

The Unsuccessful Implementation of Copyright Enforcement

Laws and the Spread of Internet Piracy in Bulgaria

By

Slavina Tatarska

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Supervisor: Tamas Meszerics

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Abstract

Internet piracy and copyright infringement is a very salient issue in Bulgaria, but it is not mainly due to the existence of piracy, because it is a common problem everywhere. It is serious because Bulgaria since 2007 is one of the newest members of the European Union and its ranking high on piracy rates is not exactly how it is supposed to be represented at EU level. The requirements for it in dealing with this problem are higher than in the other countries. And it is a lot difficult for it to keep up with the expectations for improvement, because the Bulgarian government lacks expertise and practice in the copyright law and its actions are further impeded by the gap between laws and their proper implementation. The influence of the EU and the US is of crucial importance in the process of fighting against. Through the examination of official documents, treaties and expert opinions, the possible remedies for the problem in will be sought.

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Introduction

The research is qualitative and will include content analysis of basic documents and how the work of agencies and NGOs is reflected through the lenses of experts from the Council on Copyright, as well as with representatives from the Cyber Crime Unit, part of the Bulgarian apparatus for copyright protection. The main question that will be asked will deal with the role of the government and the level of coordination between the separate bodies. What are their purposes? How can they deal with people who pirate? Why are there no effective sentences against ‘pirates’? Would they agree to legal alternatives? The clash of interests, presented by different sides will prove as effective puzzle to test the scope and salinity of the problem. The most important part of the puzzle will be ‘Which side is lying – the creators of copyright material or the violators and which side the mediator, represented by the State, takes?’

First of all, in order to define proper answers to all these questions, as a starting point would be taken the background of the issue of copyright infringement on the internet. During the last years, the problem of internet piracy or illegal ‘file sharing’ of material, protected by copyright, has gained huge popularity, because there is almost no country, part of the developed world, where it has not taken roots and fighting it has become a priority of many countries all over the world. For the usual internet consumer it may seem quite harmless, but that is just on the surface. Each and every year, many film and music record companies, as well as other branches of the cultural industries suffer from enormous losses; they are deprived of revenue from their own products. And this comes directly from the internet piracy process, which is contradictory to any kind of ethics and is a straightforward crime. But that is only one side of the story. People, who have not invested time and efforts in the production of

a definite good, are very unlikely to realize the seriousness of their deeds. The methods they use to ‘rob’ authors are basically connected with ‘file-sharing’¹ (peer-to-peer) technology.

Here comes the contradiction and the dual nature of illegal version of file-sharing and how it is differently perceived. The proponents share the opinion that information in the digital sphere should be accessible freely and any kind of rules are unacceptable and are an impediment for their innate right for freedom of expression. Moreover, they go even further and are willing to equate the redistribution of copyright material with freedom of speech and the mentioned above freedom of expression. According to them, it has not detrimental impact on the industries and even, if by any chance, there is such, it is overestimated. They seem to excuse their acts with the fact that they would probably purchase the product anyway. They skip the obvious relationship between the physical copy of a product and the digitalized one. Last, but not least - the defendants of internet piracy, who are mainly those who commit this crime, argue that it is victimless crime; because the content they steal is not worth stealing or that they are just testing the product before actually buying it.

The opponents of the so-called ‘victimless crime’ reject the misunderstood right for freedom of expression and also the idea that all kinds of information should be free and accessible to everyone. They support the idea that free file sharing does indeed have a negative impact on the industry. Giving as an example, the Motion Picture Association of America, according to statistics ‘in 2005, MPAA studios lost \$2.3 billion worldwide to internet piracy alone.’² Uploading the so-called p2p files to the internet is equal to giving illegal copies to millions. And it has nothing to do with the ‘try before you buy’ excuse.

¹ David Cherry; ‘Internet Piracy: Brief History & Ethical Concerns’; University of Advanced Technology, 2007; page 2, http://faculty.ist.psu.edu/bagby/432Spring12/T16/Internet_Piracy_Essay.doc; [Accessed 21st May, 2013];

² Ibid: p5

The discrepancy as far as the nature of copyright infringement through the internet is concerned, opens the door for various interpretations and theories, combining opinions from the sort – why this happens, how it happened and who's right in the debate of internet piracy delinquency. The situation further deteriorates with the involvement of the dichotomy 'IP-IT Crisis'³. John Perry Barlow, in the so-called 'Declaration of the Independence of Cyberspace',

Governments of the Industrial World, you weary giants of flesh and steel, I come from Cyberspace, the new home of Mind. On behalf of the future, I ask you of the past to leave us alone. You are not welcome among us. You have no sovereignty where we gather. We have no elected government, nor are we likely to have one, so I address you with no greater authority than that with which liberty itself always speaks. I declare the global social space we are building to be naturally independent of the tyrannies you seek to impose on us. You have no moral right to rule us nor do you possess any methods of enforcement we have true reason to fear. . . . We will create a civilization of the Mind in Cyberspace. May it be more humane and fair than the world your governments have made before'.⁴

This quotation stresses upon the requirements of the internet users and their will to be free of any rules in the digital sphere. In this way, they become the extreme opposition of countries' legal apparatus and the copyright holders. The lack of control on the internet gives birth to its definition of 'Wild West frontier of the modern day'⁵, because the modes and methods of traditional legal regulations and protection are just inapplicable. That is the reason why the law should be amended in order to perform its new tasks, negatively influenced by the vast speed and scale of the internet. It needs to fit into the cyber world and its inability to establish a subjective law-technology relationship is plagued by two reasons – speed and form. Law has

³ Cited in Karla O'Regan; 'Downloading Personhood: A Hegelian Theory of Copyright Law', Canadian Journal of Law and Technology, 2009; page 5; http://cjlt.dal.ca/vol7_no1/pdf/oregan.pdf, [Accessed 21st May, 2013];

⁴ John Perry Barlow; 'Declaration of the Independence of Cyberspace', cited in Karla O'Regan; 'Downloading Personhood: A Hegelian theory of Copyright Law', 2009; page 6; http://cjlt.dal.ca/vol7_no1/pdf/oregan.pdf; [Accessed 21st May, 2013];

⁵ O'Regan; p6

lost in time its reputation and cannot be an effective strategy for striving with internet piracy and it will get probably worse, because with time real life condition and technologies will develop more and more and the changes within the law enforcement will not exceed so fast. This mismatch may lead to a dead-end in the process of improvement of law. The critics of intellectual property regulations in the virtual space share the notion that it falls outside their scope and power. And the evidence proves this trend – statistics point out that the usage of internet increases globally and the new information society seems to grow at extreme rates, but together with the usage comes also the increased rate of internet piracy. Bulgaria is a good example of that trend and in this connection the laws that regulate copyright protection need to be explained, as well as the problematic nature of intellectual property.

Chapter 1

The theoretical framework

Copyright and the laws that regulate it represent part of the Bulgarian law system, also known as ‘intellectual property’ which is supposed to be dealing with the protection of interests of authors and to grant them exclusive rights over their own fruits of labor. But with its emergence, it poses problems both to the holders and to the ones, who want to benefit from someone else’s work without an authorized permission. In relation to this dilemma, there are many theories, which present the notion of copyright. The two leading ones are those of Hegel and Locke. Although the theory of natural rights gains unified character, it basically consists of two theories – Lockean labor theory and Hegel’s personhood theory of property. They both act in favor of copyright and extent its scope to all kinds of intellectual works. They can be helpful to the current research, because they stress on the importance of the author and why he/she deserves proper law enforcement. These two theories are only one small part of the puzzle, but they provide the ground for other ones to emerge and include other parts, represented by different actors.

Locke’s theory is justified on man’s labor. He draws up conclusions from the Second treatise on Government, which states that ‘Every Man has a Property in his own Person... The Labor of his Body, and the Work of his Hands, we may say, are property his⁶’. The idea that a man owns himself and is self-responsible for his actions puts a strong hold on the theory of

⁶ John Locke; ‘Two Treatises of Government’, 2d ed. (New York: Cambridge University Press, 1967), 305-6; Cited in Dane Joseph Weber; *A Critique of Intellectual Property Rights*, Chapter 2 ‘Overview and Critique of the Natural Rights Argument. Lockean Natural Rights’; <http://dane.weber.org/concept/thesis.html#locke> ; [Accessed 21st May, 2013];

property rights, accentuating on the fact that ideas are owned by their original thinkers and he is in charge of their future development and his will as a leading role in it. The problem with this theory stems from the fact that it is often the case that two people may share the same ideas without any evidence of plagiarism. Hegel and his theory, take another turn and instead of stressing upon the importance of labor, which is involved in the process of creation, he provides arguments in favor of personality. The creator has the power of the products of his efforts and property is derived from man's right to 'put his thing into a thing and make it his'. This is the absolute right of appropriation which man has over all things. There is also a lot of controversy, coming from this theory, because following this logic, a clash of interest between two or more people, requiring the privilege over the same product of labor may appear. And that is exactly what takes place in the debate between copyright advocates and the ones, who infringe it. Except for the ones who produce and those who reproduce, there is a third party in the debate – the State with its regulations and laws protecting the original author of a definite work or an idea. The role of this 'mediator' is foremost, because its amalgam of 'bodies' sets up the rules. That third party often also has a controversial character because it has to find the middle point in order to be helpful both for producers of intellectual works and the consumers of these. Its role is extreme burdened in the so-called 'digital sphere' in which most of authors' works are distributed on the internet, where any kind of control is hard to be established. Some argue that it has both a positive and negative impact on free speech and on the proper functioning of its best tool – the virtual sphere. Neil Nathanel, for example, in his book 'Copyright Paradox' discusses the role of copyright being at the same time – an engine of free expression and impediment for it. Copyright, according to him, impedes the transmittance of new messages and perspectives, and makes them accessible only to a limited amount of people. Some other theories go even further and consider copyright as an

impediment to free speech and expression. The situation takes up this form, because copyright has deviated from its traditional free speech facilitating role.

These contradictions, as far as the functions of the Internet are concerned, create the misunderstanding that ‘copyright’ and the laws that regulate it, act only in favor of the artists and restrict the users. For example, a recent case in 2013, the European Court of Human Rights issues a judgment; a quite misconstrued one that states ‘that restrictions on the use of copyrighted materials and copyright sanctions might constitute a violation of the right to freedom of expression⁷’. There is one proper example of how internet freedom of expression and copyright clash and it (in a nutshell) involves a French fashion photographer who takes photos from a fashion show and then submits them to people, who run a fashion website. After the show, the photos are published on the Viewfinder website. The ECHR states that despite the fact that the photos are published with a lucrative aim, their publication on the Internet falls within the scope of the right of freedom of expression. Therefore, according to it, the restriction of that right would seem undemocratic. Here comes the role of ethics in the discussion on Internet piracy and copyright violation.

The ethics of Internet piracy deals with several issues, trying to answer the question why people violate laws and expose themselves to the danger of criminal conviction? What are their excuses? This substantive part of the study will try to answer the question. Although it is often considered as a unique phenomenon of digital technology age, internet piracy finds its

⁷‘Court of Human Rights finds that restrictions on copyright could violate the right to freedom of expression’; Lexology, 28th March 2013; <http://www.lexology.com/library/detail.aspx?g=bf9558c8-ad6f-459e-8ce8-c5dbd2729a82>; [Accessed 21st May, 2013];

explanation in the theory of criminal behavior. Many people seem to justify their participation in the process of illegal reproduction and spread of products, objects of copyright. They go even further, stressing upon the fact, that information should be available to everyone for free.

They have their strong point in justifying their criminal actions on reasonable grounds. They interpret goods as information and the restrictions, imposed by copyright infringes this information, because, according to them, everyone should have the same right to see, hear and have access to the same things as everyone else.

The second ‘excuse’ for piracy is the exposure. Defendants of this crime, say that it is a good way, through which companies and musicians can benefit and gain extra publicity. Without piracy, the goods may never spread around the world without the Internet. They even try to implement the ethics of internet piracy in favor of their arguments in defense of pirating. The ‘excuses’, mentioned above, stress on the beneficial factor of internet piracy and give ‘green light’ to its practice, but two more theories, implemented in the process of explaining why people pirate and are willingly exposing themselves to criminal responsibility, associate internet piracy with deviant criminal behavior and weakness of people, who steal with ease. There are two theories, which are meant to explain crime behavior on the internet.

First is the self-control theory (or also known as theory of crime). The key thread in it is the low self-control. Individuals, associated with this theory, prefer simple tasks and risky behavior (internet piracy) and systematic infringement of laws can fall within the scope of piracy. This crime is also really easy to be performed and fits exactly in line with low self-control theory and they do not respect the authority of the ‘authorship’.

At the second place stands the ‘rational choice theory’, studied by Cornish and Clarke (1986) one of whose main components of the theory is that individuals are likely to perform criminal acts, because they believe in the benefits from it.

The answer to the question what spurs people to pirate and break the law can be also found in the low self-control theory, which is in extreme opposition to the ‘theory of planned behavior’. It states that individuals behave in an irrational way and do not consider the aftermath of their actions. This theory consists of three conditions, deemed to be antecedent to it. First – the attitude towards the chosen behavior, second – the subjective rule and third – the perceived behavioral control⁸. This theory can be applied to many kinds of behavior, some of which can be associated with music piracy, because of the common characteristic of delinquent behavior. It proves to be relevant to internet piracy after three research hypotheses have been implemented and they express clearly the relationships that could be established between the intention to engage in the process of music piracy and the theoretical antecedents, mentioned above. The first one reaches the following conclusion – there is a positive relationship between one’s attitude towards piracy and the intention to engage in it, the second one stipulates on the finding that there is a positive correlation between one’s perception that important others think that he or she should distribute music over the Internet and the intention to engage in music piracy (for example), and the third one - there is a positive relationship between one’s perception that he or she possesses the necessary abilities to swap music over the internet and the intention to engage in music piracy.

Internet piracy can be also connected with the consumer effect, because it has been a product of the digitalized world. It offers the people who pirate the anonymity they need and makes the act of stealing victimless and this increases the levels of piracy worldwide. Piracy behavior is in itself quite complex. For example, in a recent study of Sinha, Machado and

⁸ D’Astous, Alain; ‘Music Piracy on the Web – How Effective Are Anti-Piracy Arguments? Evidence From the Theory of Planned Behaviour’; page 4; Journal of Consumer Policy (2005); <http://faculty.nh.syr.edu/bjsheeha/Research%20Projects/music%20download%20research/music%20download%20project/articles%20for%20music%20download/planned%20behavior.pdf> ; [Accessed 21st May, 2013];

Sellman is demonstrated that ‘high prices can create consumption constraints and trigger in this way psychological reactance’.⁹ The inability to get access to a definite good may act as a limitation to the consumers’ freedom of choice and eventually cause a negative impact on consumers’ willingness to pay. And still, the question why someone becomes a pirate remains unclear. Paul Belleflamme and Martin Peitz provide several explanations.

First of all it is due to the lack of clarity and familiarity with laws. The concept of ‘fair use’¹⁰ further deplored the understanding of individuals, because it permits a limited use of a work of art, object of copyright, but nowhere within laws is defined exactly what this fair use means and how exactly the creator’s authorization is regulated.

Still another theory, applicable to internet piracy is the theory of prey-and-predator behavior. Before its in-depth analysis and the stronger ‘engagement’ of the virtual sphere in the process, the analysis of piracy relied more on ‘industrial organization type models’¹¹, but now a new theoretical framework associates the act of pirating with prey-predator behavior. Just like in the ecosystems, species interact and there are three ways in which this takes place. The first situation involves competition over a common resource. The second situation involves mutualism (both benefit), but the third option is asymmetrical and represents a host-parasite type of relationship – parasites are the only beneficiaries and at the same time they harm it. The market for copyright products looks in an almost the same way. For each individual, there are originals and copies of a definite product. These copies and originals compete for users, the competition is not a real one, because competition requires a situation in which one of the sides does not need the other to survive and none of them will be able to survive alone. If

⁹ Kampmann, Matthias; ‘Online Piracy and Consumer Affect: To pay or not to pay’; page 8; http://essay.utwente.nl/60470/1/MA_thesis_M_Kampmann.pdf; [Accessed 21st May, 2013];

¹⁰ Belleflamme, Paul/ Reitz, Martin; ‘Digital Piracy: Theory’; ECORE Discussion Paper; http://www.ecore.be/DPs/dp_1288172430.pdf; [Accessed 21st May, 2013];

¹¹ Watt, Richard; ‘Copyright piracy as prey–predator behavior’; page 2 <http://link.springer.com/content/pdf/10.1007%2Fs10818-010-9098-1.pdf>; ; [Accessed 21st May, 2013];

there are no originals, there will be no copies. This asymmetrical relationship between originals and copies corresponds perfectly to the host-parasite relationship and more accurately to the prey-predator one. Copies do not act directly in destroying the value of the original, because they are public goods and are not supposed to be in opposition. But copies are harmful in a way that they deteriorate the market opportunities of the originals and this may result in a reduction of the creative capacities of the creators in the process of production of new goods.

The huge spread of pirate copies will with certainty affect negatively the final sales. The mere existence of more originals does not lead to their better realization at the market, but to their successful duplication. Real-world data suggests that the model prey-predator is perfectly applicable to internet piracy, because there is plenty of evidence from the music industry that points out that ‘sales of music have followed a generally increasing path over the past decade or so, but that sales have recently slowed markedly and have possibly even gone into a phase of negative growth’.¹² In the case of internet piracy, the prey is embodied by the pirated products, protected by copyright and the predators are the copyright infringers.

There is one theory that explains most of the problems connected with solving the issue of internet piracy, because it changes how it is perceived and tries to excuse it. This can be called ‘the theory of denial’¹³ because it gathers arguments that reject the saliency of internet piracy and copyright infringement. First of all, this theory combines misconception such as ‘internet piracy’ is not harmful for the industries as a whole and not even the creative ones, because, according to it, people will first ‘try’ a product and then buy it legally and even if they do not do so, then not spending money for entertainment, they may invest them in other branches.

¹² Watt, Richard; ‘Copyright piracy as prey–predator behavior’; page 3
<http://link.springer.com/content/pdf/10.1007%2Fs10818-010-9098-1.pdf>, [Accessed 21st May, 2013];

¹³ Author’s idea

The second part of the theory is the idea that this phenomenon cannot be beaten and that any kind of ‘war’ will lead to a dead-end. Yes, there can be many websites shut down, but others will appear, it is a quick and unstoppable process. The theory of denial of piracy has taken deep roots in Bulgaria, too and this fact further deteriorates the fight against it, just because it has justified its functions.

The theory of piracy cultures also takes place in the debate, because according to some leading scholars in the field of media studies, such as Manuel Castells, internet piracy is a world spread phenomenon, but it seems to have a more stable ground in less economically developed countries, part of Central and Eastern Europe. The importance of piracy for the theory comes from the several analyses, conducted in the field of media studies, which reach the following conclusion: ‘the pirate is considered to be the enemy of all, an individual, who has committed ‘the definitive transgression of the information age’.¹⁴

Coming back to theories explaining copyright and internet piracy, the one of Margaret Jane Radin, concerning personhood, cannot be avoided. It takes up the side of artists, stating that even though changeable property rights can be disregarded, personal rights are an exception to this rule. And that is what the artists possess over their fruits of labor – they are their own personal property. The theory of personhood manages to be responsive to many unknowns, connected with the era of digital technology. Instrumentalist values, embodied by copyright such as the exclusive importance for the creator, without taking into account the problems that technology and its increasable modernization presents for the copyright theory and in this way the ‘producer’ goes out of the scene. The debate turns into an attempt to balance the competing interests of consumers and the creative industries.

¹⁴Castells/ Cardoso; ‘Piracy Cultures’ International Journal of Communication 6 (2012) ; <http://ijoc.org/ojs/index.php/ijoc/article/viewFile/1610/732>, cited in Johns, 2009, page 5; [Accessed 21st May, 2013];

The future of the copyright debate can be summarized by the theories of Margaret Jane Radin, which is on copyright and Hegel's theory of appropriation. In order to build an effective copyright scheme for successful development for the 21st Century, copyright must not be focused on contrasting interest, but instead of that, it must find its proper environment, basing itself on the principles of freedom, reciprocity and last, but not least – correlativity. These features matter, because placing copyright as a fundamental personal right is associated with the individual's ability to stand among other individuals and state clearly his/her claims. These two theories can be the most effective tool for copyright protection and justification of the actions of governments, and particularly the Bulgarian one in its fight against internet piracy. How and why it needs to defend artists' works will be discussed in the next chapter.

Chapter 2

Online Copyright Protection of Foreign Work in Bulgaria: International and local laws

Bulgaria is one of the nations, susceptible to systematic copyright violations on and the problem manifests more in it because it is a small-scale economy and any negative impacts on the economy will be more visible. The study of Joe Karaganis, entitled ‘Media Piracy in Emerging Economies’, the preconditions for piracy are revealed and all of them are common characteristics of Bulgaria, which assist for the spread of internet piracy. ‘First of all, one of the things that triggers this phenomenon is the fact that legal media markets are underdeveloped and the prices for legal goods, such as CDs and etc, are higher than for example in the US and at the same time income per capita cannot be equated. Second – competition between companies in the developing world is absent and that is why lower prices cannot be provided, as well as diversity of production. Third – antipiracy education is also not present and furthermore – piracy has become part of the daily media practices in these countries. Fourth – laws are easy to change, they may become stricter, but practice and even ‘traditions’ in piracy are difficult to be changed and in these countries, even though laws criminalize piracy, they apply them quite unsuccessful. Fifth – criminal groups are often involved in the process of counterfeit, both in its physical form and in the digital one and the combat with them are usually a complicated process¹⁵. Moreover, Bulgaria leads on the charts for copyright infringement. In 2013 IIPA (International Intellectual Property Alliance) does not make ranking recommendations to Bulgaria as the last year and also does not initiate a special report. This is quite unusual, taking into account the long-lasting place of the country

¹⁵ Joe Karaganis ‘Media Piracy in Emerging Economies’; Berkman Center for Internet and Society, 2010; <http://cyber.law.harvard.edu/interactive/events/luncheon/2010/02/karaganis> ; [Accessed 3rd June];

in the Special 301 report. But, the negative views towards Bulgaria remain. It is often blamed for its inability to carry out its intellectual property obligations in accordance with the 1991 bilateral agreement with the US. In 1995 IIPA suggests USTR to place Bulgaria in a priority list. Then, Bulgaria, facing severe prospect sanctions, tries to deal with the issues, under the 301 Special reports. These measures are accompanied by the promise to join the Geneva Phonograms Conventions and to try to build up a title-verification system to prevent counterfeiting of CDs and videos. The situation remains quite the same and unimproved. So Bulgaria gets its place on the Special 301 Watch List and also on the Special Mention list.

The failure continues and the IIPA suggests placing the country in the Priority Watch List. Effective sanctions against counterfeiting and export of such goods lack and this deteriorates the position of Bulgaria even more. In 1998, IIPA recommends the designation of Bulgaria as a Priority Foreign Country, and this is due to the absence of political will to solve the problem. The US Government decides to leave it on the Priority Watch List in April the same year.

All the sanctions give their effect and as soon as progress is witnessed to have taken place in the country, the next year USTR removes Bulgaria from all 301 Lists. In 2002 stagnation in the improving procedures is witnessed once again and in 2002 IIPA recommends placing it on the Watch List due to difficulties dealing with resurging problems with optical disc media. USTR in 2002 announces the following ‘Based on recent reports of increased piracy in Bulgaria, the United States will be closely monitoring the situation and will look to the Government of Bulgaria to ensure the maintenance of the Optical Disk (OD) regulations¹⁶’.

¹⁶ BSA report ‘Bulgarian software piracy remains at 68 per cent -;
http://sofiaecho.com/2009/05/12/718008_bulgarian-software-piracy-remains-at-68-per-cent-bsa-report ;
 [Accessed 21st May, 2013];

The years that follow up till now, are accompanied with decisions, placing Bulgaria in the Priority List, mainly due to Internet piracy problems.

On a local level, in Bulgaria, the relations, connected and established and protection with objects of copyright and neighboring rights are regulated by the ‘Copyright and Neighboring Rights Act’. According to Paragraph 2 of it, ‘copyright on the products of literature, art and science emerge in favor of the creator from the moment of creation¹⁷’.

Copyright, unlike other rights of intellectual and industrial property, comes into force without the need for registration or to be officially recognized by a third body. He/she has the exclusive right to deal with all the characteristics of the ‘fruit of labor. It is within his/. It is within his/her authority to decide when and whether the product has to be popularized or not and the freedom to object to any kind of changes in it the freedom to object to any kind of changes in it. He/she can even terminate the existence of the product, of course if he/she decides so.

The duration of this exclusive right is also regulated by the ‘Copyright and the Neighboring Rights Act’. Copyright protects the authors till their death and 70 years after that, although it is quite questionable whether there is any point in the post-life clause, because it may involve clash of interests and whether the real wish of the author is followed will remain unknown. Other legal documents that deal with the topic are the ‘Criminal Code’ established on April 2, 1968 and coming into effect on May 1, 1968. Article 172 A, Section 1 from it, clearly declares the following: ‘Anyone, who reproduces and distributes or transmits or translates or uses in any other way objects, protected by copyright or a neighboring right, without the necessary permission, required by the author of the work is being punished with imprisonment up till 5 years and a fine up to 5000 bg leva. Section 2 states ‘Anyone, who, without the required permission, possesses materials which contain someone else’s object of

¹⁷ ‘What is copyright?’ ; <http://copyrights.bg/%D0%B0%D0%B2%D1%82%D0%BE%D1%80%D1%81%D0%BA%D0%BE-%D0%BF%D1%80%D0%B0%D0%B2%D0%BE/>; translated ; [Accessed 21st May, 2013];

authorship or a related right and if these materials are of high financial value and if this person makes systematic illegal copies of these materials, he/she is being punished with imprisonment from 2 up till 5 years and a fine, ranging from 2000 to 5000 bg leva. Articles 3 and 4 go even further as far as punishments are concerned. For example, Art. 3 points out that if the deed is repeated or there are significant negative consequences, the punishment is imprisonment from 1 to 6 years and a fine from 3000-10000 BG leva. The punishment for infringement, although clearly stated in the laws has no higher propriety in cases of infringement and that is why other legal documents are also involved in the process of improvement of the legislative system.

For example, in 2006, the Memorandum for copyright protection cooperation was signed on behalf of the Ministry of Culture during a meeting of the Council for Intellectual Property Protection. In connection with it, the Minister of Culture at the time, Stefan Danailov, said ‘I’m convinced that this Memorandum will contribute for a change in the way people thing as far as copyright is concerned and will realize the need for copyright protection, because laws exist and what is foremost now, is to make them work¹⁸’. Undersigned on the Memorandum are the Ministry of Culture, the Electronic Media Council and the Commission of Message Regulations. It aims at elaboration of cooperation and improvement of the coordination between the sides, increasing the efficiency of the actions undertaken in order to achieve better results. The memorandum sets up the procedural rights and obligation of the sides and Article 2 from it states the following ‘After the finishing of the administrative punishing procedures according to the Law for the administrative infringements, which constitute transmission and lending of copyright protected objects of authorship, the Ministry of culture notifies the Council for Electronic Media and the Commission for Message Regulations for

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‘Today at the Ministry of Culture, a Memorandum for Cooperation for Copyright Protection was signed’;
<http://mc.government.bg/newsn.php?n=37&p=67>; Translated, [Accessed 21st May, 2013];

the penal provisions, entering into force and undertakes actions in accordance with the Radio and Television Law. Article 3 states that ‘the sides on the Memorandum assist each other with experts or workgroups for the normative acts, conceptions and reports and all other kinds of documents, connected with copyright and the related rights. And last, but not least, Article 4 ‘each side defines people who monitor the implementation of the rules in the Memorandum’.

On the international level, the Berne Convention is deemed as the most important treaty concerning intellectual property, created in 1886 in Berne and ratified by the Republic of Bulgaria in 1974. The TRIPS agreement, another important treaty, is adopted in Marrakesh in 1995, ratified by Bulgaria the next year and come into force in 2000.

Bulgaria is also a member on the Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms from 1971. It provides each State with the obligation to protect producers of phonograms, who are nationals from another contracting country against making of illegal duplicates of their works without the consent of the producers. Phonogram is, by definition ‘an exclusively aural fixation, whatever be its form¹⁹’. Protection is provided under the copyright law, penal law and the law against unfair competition. It is provided for 20 years from the moment of the first fixation or the first public showing of the phonogram. In national legislation, the following period may get extended to 50 years or more. The role of the Secretariat the Convention is being taken by the Secretariat of World Intellectual Property Organization. The Convention is a good option for any State

¹⁹**‘Summary of the Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms (1971)’; http://www.wipo.int/treaties/en/ip/phonograms/summary_phonograms.html ; [Accessed 21st May, 2013];**

which is a Member of the UN, or just belongs to the UN system of agencies and organization. The procedures of implementation and ratification of the convention are being carried out by the Secretary-General of the UN.

Another legal document with worldwide importance, concerning copyright and its protection is the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting from 1961. It basically regulates the intellectual protection of performers, phonographs and the producers of the two. It allows some exception in the legislation on the national level, such as private use, broadcasting and etc. The only sphere where no exceptions are applicable is that of compulsory licenses, because otherwise, it would be contradictory to the Berne Convention, in which the national law has the power to make exceptions for artistic works and literary ones.

In the end of 2005, the Copyright and the Neighboring Rights Act was amended in order to fit properly within the EC legislation. The amendments enter into force as soon as Bulgaria becomes part of the European Union in 2007. These amendments try to improve the national legislation in four different ways: first, they deal with the problem of exhaustion of the right of distribution of audio-visual goods, because the procedure with this right is not properly regulated. The first sale of the audio-visual product by the right holder of an original or a copy (the first transfer) leads to exhaustion of the right of distribution and the only exclusion is connected with the right of sub-lease of the right of distribution (Art. 18/1 CNRA); second, scope of applicability of the Act – it basically applies to works, made by citizens of a Member State of the EU, regardless of the fact in which country the works have been published for the first time (Art. 99/1); third - the Act applies to the works of foreign artists who works on the territory of Bulgaria and who are citizens of an EU country or at least have their residence permit in such a country (Art. 100). This part of the article covers the way in which the supremacy of EU law prevails over national norms and legislation and is deemed to protect

better copyright laws and last, but not least - the Act covers records, films and other audiovisual works, which belong to: citizens of the Republic of Bulgaria, individuals, who are citizens of a MS and have a permanent address in the country. It also applies to the so-called 'legal entities', which have an address in Bulgaria²⁰.

All these four areas of future development and cooperation require working enforcement governmental bodies and strict discipline. Unfortunately, internet piracy still manages to overwhelm rules and to avoid any kind of control from the Bulgarian government. All the documents leave just on paper and the necessary level of enforcement cannot be achieved. Bulgaria. In this respect, it definitely needs assistance by the EU and the US.

²⁰ **Further: Nikolova, Rayna; 'Changes in the Area of Copyright in Relation to the EU Membership of Bulgaria';**
<http://merlin.obs.coe.int/iris/2006/1/article99.en.html> ; [Accessed 21st May, 2013];

Chapter 3

Online Copyright Enforcement Policy and Practice between the EU, US and Bulgaria

In order to better explain how the practices of the EU and the US can be of any help to Bulgaria, it is of crucial importance to present their practices and achievements in the field of copyright protection.

In the recent years, the problem of copyright infringement and internet piracy has a priority place on the EU agenda. Counterfeit and piracy are defined in the EU Council Regulation 1383/2003 in 2003. Counterfeit means ‘goods, including packaging, bearing without authorisation a trademark identical to the trademark validity registered in respect of the same type of goods or which cannot be distinguished in its essential aspects from such a trademark’²¹. Pirated goods are ‘copies made without the consent of the holder of an intellectual property right’²². These definitions are somehow controversial, because what can be deemed counterfeit in one country may be misconstrued as perfectly legal in another.

The controversy of legislation is one of the reasons, the problem gains importance on EU level. The EU commission recognizes the saliency of the negative consequences. Just for the record, in 2006, the EU customs have seized 250 million pirated goods. The numbers are

²¹ Freya Van Schaik, / Gerard van der Wahl; ‘The combat against counterfeiting and piracy in the European Union’; http://www.houthoff.com/uploads/tx_hhpublications/GerardvanderWalandFreyavanSchaik-ThecombatagainstcounterfeitingandpiracyintheEuropeanUni.PDF ; page 1; Accessed [22nd May, 2013]

²² Freya Van Schaik, / Gerard van der Wahl;

quite disturbing and that is why measures need to be taken. One of them can be associated with the ‘Anti-Piracy regulation’, which is directed against counterfeited goods, which infringe intellectual property rights. The newer version of this regulation, applied from 1st July 2004, strives for simplifying administrative measures, which are an impediment for the proper enforcement of rights for copyright holders.

Another initiative is the so-called ‘European anti-counterfeiting and anti-piracy plan’. It is an attempt of the EU Council to require from Member States to take action against copyright infringements. The Council is calling on the EU Commission to implement the rules written in its ‘Communication on an industrial property rights strategy for Europe’²³ to combat counterfeiting and internet piracy. It could be a valuable assistant in the process, because it has a set of methods to enforce intellectual property rights, which include agreements, concluding legislation and sets up the initiative for working towards a multilateral anti-counterfeiting agreement, later known as ACTA. The Commission also has the task to establish a ‘European counterfeit and piracy observatory’, which will be concerned with the financial part of the project and also with the monitoring activities, such as regular evaluations of the progress and accurate data for the current situation with counterfeiting and piracy in the Member States of the European Union.

The Observatory will rely for statistical data mainly on the private sector, as well as on the public one. The other chores of the Commission include communication with actors, which take part in the ‘combat’, developing awareness-raising actions that will inform the consumers about the dangers of piracy. The Council also encourages Member States to take measures and get involved by creating an anti-counterfeiting customs plan for the time span 2009-2013. Its main purpose is to give priority to information sharing and strengthen the level of coordination between border authorities and rights owners.

²³ ‘European anti-counterfeiting and anti-piracy plan’;
http://europa.eu/legislation_summaries/fight_against_fraud/fight_against_counterfeiting/1f0001_en.htm ;
 [Accessed 27th May, 2013]

The European Commission issues a Green Paper on Combating Counterfeit and Piracy in the Single Market and is calling to the European institutions and national governments to put efforts and improve the enforcement procedures and to try to deter these activities. The scale of the problem reaches the extent of epidemics. Fake copies of CDs, videocassettes and illegal software and contribute to the spread of illegitimate business, part of the so-called 'grey sector' of the economics. Europe's creative culture sectors are estimated to suffer losses up till 4.5 billion per annum from piracy.

The huge profits for the criminal organization from piracy are deploring the situation even more and at the same time nearly a quarter of a million jobs in the sphere of entertainment have been lost, as well as investments in the creative and cultural industries. The internet, as far as the statistics from the 'Green paper' point out, has accelerated the process of making fake copies. Preventing the blight to go further, firm actions are needed and the scope of the Green paper provides 4 options. The first one involves penalties for the damages caused, but which are harmonized at EU level. The most significant obstacle is the fact that piracy and counterfeit are profitable in the EU and one of the ways to reduce its spread is to make it more risky and costly than it is in its legal form. Again, harmonization is foremost, because countries with lower penalties will have to adjust their legislation in order to be more effective. Damages also must be reflected, no matter what the economic value of the pirated good is. Attorneys' costs should be reimbursed in cases of effective prosecution of piracy.

Second measure is that anti-piracy actions need coordination at a community level and EU agencies have to be created for the purpose. The problem with the proper implementation of the second measure is the abilities of the digital sphere, because it allows the transmission of products from one state to the other. There must be a specialized EU-level institution that will carry out the exchange of information and assist for cross-border investigation. Here, the involvement of the private sector would be a positive contribution, because then the establishment and the maintenance of a

database, connected with enforcement will be easier and if such a database is created then reforms and legislation, also actions against countries outside the EU will be a lot more facilitated.

A third direction deals with optical disc replication plants and basically is focused on physical piracy, because it is also seriously harming the industries. Just for the record, more than 100 million pirated CDs, which include music, movies and etc, are produced in the EU every year. The most effective measure to combat CD piracy in the EU is perceived to be the proper regulation of optical discs.

Last, but not least – the Green paper states that the ability of the states to ensure a proper enforcement of intellectual property rights must be a key criterion for EU accession negotiations and must have a leading role in the EU's relations in the sphere of trade with third countries. Candidates, who become newly accepted Member States must not be allowed to have the 'bad fame' of piracy countries. The role of the Green paper should not be underestimated, because it is vital for the cultural and the social welfare of the whole union. Common goals will result in common success.

In May 2001, Directive 2001/29/EC of the EU Parliament and the Council is issued and it stresses upon the harmonization of some elements of copyright and the neighboring right in the digital sphere. It basically deals with several aspects and has a long pre-history. First, back in 1994, during a meeting of the European council, the need for the adoption of a flexible legal framework at a supranational level, because of the rapid development of the information society, is discussed. The harmonization will be a powerful tool for the implementation of the four basic parts of the internal market, namely 'intellectual property, freedom of expression

and public interest²⁴; in accordance with the postulates of law. Another important part of the historic development of the directive is Diplomatic conference of the World Intellectual Property Organization, which ends up in the accession of new treaties, which update the level of international protection of artists and performers in regard to fighting internet piracy. The Directive should deal also with the acts of reproduction.

The EU Commission also poses the crucial question about the establishment of a Common Digital Single Market for Creative Content online in 2009. This document takes up the form of a discussant paper, which focuses on the challenge which the creation of a European digital single market for creative content such as books, music, movies or video games. Experts from the EU Commission state that a genuine borderless market for creative content online could raise the benefit from sales in the sector of the creative industries even four times. This could happen if rules are set up both for the producers and the consumers. Digitalizing products protected by copyright can pose several challenges, because the virtual sphere is hardly susceptible to keeping up with norms and legislation. In this connection, Viviane Reding, an EU Commissioner for Telecommunications says the following:

Copyright and the internet together contribute to a really significant extent for the development of creativity and innovations, which is beneficial for all Europeans. They are supposed to be used together within the framework of the new project for a competitive and thriving digital single market. This market could be possible to exist only and if only in its creation take place the people who produce creative content online themselves and if the generation, which has grown up in the digital era, takes up the role of interested and innovative consumers²⁵.

²⁴ ‘DIRECTIVE 2001/29/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society’; Official Journal of the European Communities, 22.06.2001; page 1; <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:167:0010:0019:EN:PDF> ; [Accessed 27th May, 2013];

²⁵ ‘European Commission launches reflection on a Digital Single Market for Creative Content Online’; http://europa.eu/rapid/press-release_IP-09-1563_bg.htm; page 2; (translated); [Accessed 27th May, 2013];

She also claims that it is of high priority for her in the next years to work hard with the other Commissioners for the development of a simple, but harmonized with the users' legal framework for transnational presentation of the digital content in the EU, which will provide protection for copyright and fair financial benefits for the creators.

Charlie McGreevy, an EU Commissioner for the Internal Market Affairs, states the following as far as copyright in the digital sphere is concerned 'Intellectual and Industrial property protection - copyrights, patents, brands and designs, which play a primary for an economics, based on knowledge and is of foremost importance for the improvement of competition in Europe. But this reform, according to him, has to stand on stable grounds, economic ones, not just judicial concepts and to be concentrated on decisions, which encourage innovation and investment in the real life.

The Commission declares that there are special rules, which are necessary in order to put an end to the copyright debates. The discussant paper, designed for the purpose, combines measures in three main fields, which need legislative enforcement: first of all, the financial matters must be secured, especially for the artists, so that they could survive in the digital ages, second – a legal and clearly formulated price-forming consumer access should be provided at any time and place and last, but not least – cooperation is needed for the provision of new business models and innovative decisions for distribution of creative content throughout the whole Union.

Measures of this kind and Digital Market creation are really important, because in Europe the cultural sector, including all industries earns an annual turnout of over 650 billion euro and this sum represents 2.6% of the gross national income of the EU. That is why the politically responsible people in Europe have the obligation for copyright protection in the conditions of the extremely fast changing economical and technological environment.

In May 2009, the EU Commission generates a forum and a final report from it. It is called ‘Content Online Platform’ and deals with the online exposure of creative works like music, films and the reason why it is important can be summarized with only one word – de-materialization’ of copyright content and it can have dual consequences for the business, potentially enhancing and damaging it. That is why the Commission defines its priorities in short and long terms – in the near future it aims at promoting solutions for the spread of creative content online and in the distant future regulatory intervention. Concerning ‘piracy’, during seminars, chaired by Viviane Reding, there is no clear consensus, but alternative remedies are being discussed. One of them involves legitimate and consumer-friendly offers, which could lead to sustainable level of revenue, another one stipulates on the role of the stakeholders, who should cooperate in order to ‘require’ respect for the intellectual property rights. And the most important conclusion – while countries apply double standards on people who pirate and till when there are no harmonized policies, any successful and innovative business model will be difficult and even impossible to be implemented.

Another initiative at a Community level involves the so-called ‘Telecom package’ and in its entity is an amendment of some directives. According to the MEP Malcolm Harbour, who also takes part in the introducing of the amendments in the directives, connected with the Internet and communications, ‘Internet has to be free, but not from regulation²⁶’. Speaking in the language of theory, the idea is to be created and open to everyone internet, where the consumers are somehow protected participants in the Common European Telecommunication Market, based on high-speed internet connection, available to everyone. This ‘package’ dating back to 2009, however, raises several issues, which provoke the debate concerning the procedure for deprivation of users of their right to network access. The agreement, to which

²⁶ Asen Georgiev,; ‘Free on the Internet. But till when?’; Translated; Capital Daily Press; http://www.capital.bg/politika_i_ikonomika/bulgaria/2009/11/13/815383_svobodni_v_internet_no_dokoga/; [Accessed 27th May, 2013];

the EU Parliament and the Council of Ministers reach, means that all the amendments in the nature of the directives will be adopted. The debate around it was provoked by Nickolas Sarkozy, who insisted that the EU Commission should denounce a project, according to which there could not be limitations to the fundamental rights and freedoms of the end-users without official legislative opinion (known as amendment 138). In connection to that, the expert on Media law, Nelly Ognianova say that the measures, undertaken must be in accordance to the convention and the principles of community law, including the right of people to have a listening at the Court. The new text, compared to the amendment 138 provides the users with a lower degree of protection, because it does not foresee an obligatory judgment in advance whether it is about internet piracy or not. Although, there is still a special advanced procedure for the convicted ones, official lawyer, the presumption of innocence and the chance the states to implement in their national legislation the requirement for preliminary judgment act, before the final measure of deprivation of internet access.

On the whole, violators of copyright are not fully protected, because, in some circumstances, the internet connection can be terminated even without legal prosecution and sentence. The European Party of the Greens claims to be satisfied with the small victory that internet access is exceeded to the rank of a fundamental citizen right. Malcolm Harbour states that 'We made it absolutely clear that the right to internet access is a basic right to all EU citizens and that the European convention on Human Rights and the Fundamental Freedoms can be applicable to it²⁷. But, a lot of experts are quite suspicion as far as the possible misuses. Connected with innumerable cases of people, deprived of internet connection, who have been 'convicted' of internet piracy. Monique Goyens, a Director General of the European Consumer Organization, comments 'It has been a long, hard battle but at least all sides have

²⁷ Asen Georgiev; 'Free on the Internet. But till when?' Translated; Capital Daily Press;

acknowledged that fundamental rights of users need to be guaranteed in the digital world²⁸.

From now on, the initiative have the Member States, the EU has done its part.

Judging and analyzing the EU's initiatives, the following conclusion can be made – the EU believes with certainty that by forming a single, digitalized EU market for legally downloadable content, the enthusiasm of the internet pirates for illegal downloading and torrents will cease. The Commission sees justification in this option, because it would be reasonable people to choose legal and cheaper way to acquire different works of art.

Viviane Reding firmly believes in the positive outcome of the initiative, because if a consumer friendly legal framework is proposed to them, both sides will benefit from keeping up with the laws. She says that the ill-natured and devised laws nowadays are not welcoming people to act in accordance with legislation. The attractiveness, as she calls it, of internet piracy to young people, must be an alarm to policy makers that their way to deal with the problem is not good.

What Reding does not consider a wise option of dealing with internet piracy is the extreme option, implemented in part of the legislation of some European States, namely – blocking off the internet connection of copyright violators.

During a conference in Munich on internet, she declares that the copyright holders protection must not intervene in the freedom of the Internet, these two things should not stand in opposition to one another. The European option clearly differentiates from the US one – no blocking of internet will be an ever possible solution for infringers. But, that is not an impediment for France, where the HADOPI Law, whose violation may result in a fine up to 1,500 euro or shutting down of the internet connection for a year and at the same time, the

²⁸ Kevin O'Brian ; 'E.U. Leaders Bolster Internet Access Protections'; November, 2009; NY times; http://www.nytimes.com/2009/11/06/technology/internet/06net.html?_r=0 ; [Accessed 27th May, 2013];

‘pirate’ continues to pay for it and cannot be provided with internet from another internet provider.

The controversial overall opinion of the Union first concerning piracy ranging from the myth that it does not harm industries, to the ineffective methods to fight it, collide in the opinion that if infringers are being denied internet access and if the state takes up the form of a ‘Big Brother’, then the fundamental human right for freedom of expression will be seriously violated. At this stage, the EU still denies and manages to reject US legislation (SOPA and ACTA), which have proven to be not the right decision.

The Digital Europe idea seems to have a chance to succeed, but government involvement is necessary for assistance to right holders and publishers and the EU could be an ‘online clearinghouse for intellectual property rights covering the entire continent’²⁹, Reding states. She further says that facilitating the process of licensing of intellectual property rights is not an impossible task and it could involve all the 27 Member States. But in order for this to happen, money investments and time devoted are needed, administering rights is not an easy task. Consumer-friendly solutions and less fragmented framework are also of crucial importance and the failed business model, as she claims, that causes piracy must be amended because otherwise, a whole generation of people, who support artistic creation and ‘fair use’ of creative content, will be lost. This ‘tragedy’ could be avoided if Digital Europe is being build with the help and devotion of the new generation of ‘digital natives’³⁰. Managing private interests plays a major role in dealing with the issue of intellectual property protection and it could assist for obtaining key business objectives and if there is incongruence between private

²⁹ Scott Fulton; ‘EC’s Reding: Government should act as broker for media downloads’ 2009; <http://betanews.com/2009/07/09/ec-s-reding-government-should-act-as-broker-for-media-downloads/>; [Accessed 27th May, 2013];

³⁰ ‘EU Commissioner: Digital Natives See Piracy As ‘Sexy’ 2009; <http://torrentfreak.com/eu-commissioner-digital-natives-see-piracy-as-sexy-090710/>; [Accessed 27th May, 2013];

interests and the business sphere, a mediator has to be introduced. At a national level, governments are mediators, and they, within the borders of the EU have to relate to the problems of the EU Community and agree to make compromises and take up supervision by the EU's legal bodies. The French option is not a solution and blocking internet access contradicts the Geneva Convention for Human Rights, and particularly the right to access to information. Although accepted by other States, such as Germany, the French HADOPI law is quite controversial. The EU, as Reding says has to find the balance between the US measures to combat piracy, embodied by internet policing and censorship and the newly accepted practices in France. In 2012, the EU Commission is once again stressing on the importance of the harmonization stage while implementing the laws, because otherwise no efforts would be effective.

The fight against internet piracy will not advance without the key element education in it. The negative and detrimental side of pirating and stealing someone's fruit of labor should be presented as harmful and illegal and more light must be shed on the consequences from it. And it, as a crime cannot be justified on any grounds. On the other hand, going to any kind of extreme explanations of 'copyright infringement and internet piracy', will not work. Measures such as repression and criminalization of the youth (the main part of society that pirates) will not lead to fruitful ideas about a new business models and alternatives. The EU has to officially state its position on piracy, because controversial statements for the harmless character of piracy on the industries definitely lead to a dead-end. At this stage, the way, the EU as a whole has to pass, seems endless, a way-out of the current crisis and debate are possible in the foreseeable future.

Considering Bulgaria in the US agenda fighting piracy, it could be said that in 2008, the Special 301 report for Bulgaria points out mixed results and accentuates on the weaknesses of

the Bulgarian government. After two years out of the list, Bulgaria once again finds its place there. The deteriorated relationship between the Government and the IPR industry representatives is partially a consequence of personality-driven problems and incongruence, something completely unacceptable in politics. The industry loses its membership in the IPR Council and this step back triggers innumerable cases of piracy, which unfortunately do not make their way to courts. The situation gets even worse, when in 2008 the Supreme Administrative Court restricts the ability of the specialized police forces to investigate piracy, but despite this the Cyber Crime Unit registers many positive results, closing websites and initiating criminal charges against their administrators. The opinion is that there cannot be quick and easy solution to the problem with piracy, and on the top of all the non-transparent character of the Bulgarian judicial system impedes any efforts for combat and leads to escalating levels of online copyright infringements.

The relations between the IPR industry and the government have always had a complicated character. For example, in 2008, the Minister of Culture, who is basically responsible for the IPR Council, takes up the measure to restrict the level of involvement of the industry at the government entities to case-by-case participation. The industry participants are given the chance for separate meetings, instead of a full-time participation at Council meetings. The Minister of Culture removes the industry representatives from the working groups, driven by the thought to avoid unmanageable situations and according to him, it would be better if the right holders are given the opportunity to contact the Minister personally. But that decision is not in complete accordance with the industry and the IPR Council loses much of its original purpose and leading government figures often miss meeting and the whole spirit of cooperation is lost. Returning the permanent representation of the industry at the IPR Council is a possible solution, but is short-lived. And at the same time internet piracy spreads and

exceeds the seriousness of hard goods piracy. According to statistics from the local industries, all downloaded music and movies are pirated.

The only governmental body that seems to properly react is the Cyber Crime Unit, which in 2008 undertakes 78 operations against torrent trackers and end-users. In 2008, the well-known website 'torrentvalley.com' is shut down. That is a huge success, because, as estimated, the website provides access to 5,000 torrent trackers from the whole world. The same fate has also 'p2pb.com', whose users are estimated up to 120,000. 'Arenabg.com' is a precedent for a case that has reached court in Eastern Europe. But it has not progressed to an effective verdict since then. It may sound as a paradox, but the rise in internet piracy has led to a decline in optical media disc piracy. One of the governmental organizations that fights piracy and closes down websites is the Cyber Crime Unit. In an interview, Yavor Kolev, the head of it comments 'Our actions, in coordination with the IPR Council, where I also participate, include a really harsh treatment of piracy and the people who organize it and I mean the organizers, not the end-users. Firm actions are needed, because, according to a French MEP, to 2015 the EU will lose 240 billion euro and 1.2 billion work places from piracy³¹. He further comments 'Here, in Bulgaria, piracy has taken up the vision of a religion, whose worship is totally justified, because no-one wants to pay and no-one respects the fruits of labor of someone else. Internet is not a 'holy cow' and internet piracy can be stopped through the establishment of legal platforms as alternative to the torrent trackers'. He also pays attention to the internet providers and their role in the process of piracy restriction, because in Bulgaria they are too many, about 1500. Most of them are part of the transition and of organized crime groups.

³¹Paul Meller; 'Parliament report stirs lobbying drive on internet piracy'2010; <http://computerworld.co.nz/news.nsf/news/parliament-report-stirs-lobbying-drive-on-internet-piracy> ; [Accessed 27th May, 2013];

The actions of the Cyber Crime Unit end up in two successful operations, eliminating the existence of two of the biggest torrent websites ‘arenabg.com’ and ‘zamunda.net’. The owner of the first one – Elian Geshev is arrested and a police order has been issued to the internet providers to restrict the access to the website. Unfortunately it is cancelled and the seemingly won battle turns out to be a total loss. This order of filtration of the access to the website for file sharing has an immense public reaction. The protests were focused on the fact that such measure is a censure and the acts of the Cyber Crime Unit are compared even to these of the Chinese authorities. At least, after the arrest, the trafficking to the website has decreased and the defendant Elian Geshev has promised to stop the tracker. According to Teodor Zahov, the Chairman of the Electronic Communications Union, copyright has to be protected, but blocking the websites is not the right way to deal with violators, because the access to the website of *Arena.bg* cannot be fully blocked³².

The problem, that impedes the permanent success of the operation of the Cyber Crime Unit, which cost a lot of money to the Bulgarian state, is the spread of the trackers. If one is stopped, then two more are issued. Arenabg.com, announces that the ex-Bulgarian trackers become accessible all over the world. For example, the tracker ‘*bol.bg*’ has a new name – *www.torrents.com*. This process becomes known as ‘the migration of torrents’³³. Arenabg is revived and its website, only for three hours is multiplied by three and is kept on three servers in 2860 on the net.

At the moment three on the website of Arenabg.com are published the web addresses of the servers and the trackers of five companies – Arena, Zamunda, torrents.bol.bg, AvatarBG.info and Sab.bz and three of the servers are abroad. Arenabg even has a new owner in Malaysia.

³² Daniela Stefanova; ‘Anti-mobsters against torrents – the war goes on’; Capital Daily, 2009; http://www.dnevnik.bg/dnevnikplus/2007/03/18/320056_antimafioti_sreshtu_torenti_-_voinata_produljava/; [Accessed 27th May, 2013];

³³ Daniela Stefanova; ‘The Migration of Torrents’; Capital Daily 2009; http://www.dnevnik.bg/dnevnikplus/2007/02/27/315075_migraciiata_na_torentite/; [Accessed 27th May, 2013];

As far as Bol.bg is concerned, the European Investment fund, named 'CEE Growth Luxembourg SICAR S.C.A. has invested in the company a huge sum and has gathered 70% of its ownership. The ownership irregularities and abroad servers, the torrent trackers manage to survive again and again. The fact that 'contributes' to the inability of the special police forces to fight them, stems from the law. Neither in the Copyright and Neighboring Rights Act, nor in the Penal code, the figures of the slogan words 'tracker', 'seeder' or 'leecher' are mentioned to define the end-users as violators. But, according to lawyers, representing the companies that protect copyrights, the usage of torrent programs turns out any seeder of leecher into an infringer in accordance with Article 172 from the Penal Code. All of them are considered accessories and can be held responsible for illegal distribution of objects of copyright.

The opinion is shared by Velizar Sokolov from 'Arsis Consulting', a representative of the Business Software Association, but the responsibility is restricted to the seeders, who distribute the files, and the leechers, who are considered to be led by personal interest only, are not under attack. The Cyber Crime Unit agrees with the classification and states that the term 'helper' is present in the Penal Code and the owners of the torrent websites should be very careful. Repression is definitely an effective strategy, because if all end-users are posed criminal charges and judged, it will lead to a dead-end.

Bulgarian official authorities are also getting involved in campaigns for copyright protection and awareness rising. One of them is the so-called 'FairPlay' initiative by the Bulgarian Private Television BTV.

Its aim is basically to rise the public awareness of the damages that internet piracy causes. And to guarantee the freedom of every artist to distribute freely, particularly in the internet sphere, the products of his/her work. It encourages all those, who feel deprived of the illegal

distribution of their fruit of labor such as Bulgarian artists, producers, media, publishers, NGOs and creative union, to spread the word and support in this way the development of the Bulgarian cultural life. It accentuates on the fact, that in order to solve the problem, each of us has to respect the labor of people, working in the sphere of art. The character of the campaign is quite controversial, because the two advertising videos contradict the common norms of proper behavior. In one of them, a famous Bulgarian actor comes into one's house and steals food and in the other another famous person, a singer steals a car and the justifications for both stealing are based on the idea that it is fair and just how the end-user deprives the artists of their fruits of labor, in the same way they can do the 'same'. Well, it is not exactly the same, because the National Council for Self-regulation takes into consideration the complaints by a citizen that thinks that the message of the campaign is distorted and that it encourages people to steal and solve the problem with intellectual property violations by themselves not in accordance with the rules of law. It does not teach the young generation that stealing from the Internet is a bad thing – but on the contrary – it justifies the act of theft.

According to the BTV Media Group, the initiator of the commercial messages, deems the complaints as lacking grounds and subjective to one person's opinion and without a deep inside in the matters. But the National Council for Self-regulation finds them reasonable and that these videos violate the National Ethical Rules for Commercial and Trade Communication. Except for the criticisms and the jokes that many people make with the leading faces of the campaign, nothing worth the investment in it, has been achieved.

Another attempt for campaign is made by the Bulgarian Ministry of Culture. It takes up the form of an exhibition of photos of famous artists and the message – 'Piracy robs'. Has more or less the same effect as the 'FairPlay' campaign.

At an international level, UNESCO also gets involved in the combat against piracy. In 2004 in Sofia, Bulgaria the so-called ‘Anti-piracy training for trainers’, campaign takes place. It involves Bulgaria, because South-Eastern Europe is havoc for piracy and not properly enforced laws. Even if there is legislation in these countries, it needs updates so that it corresponds to international laws. The need for assistance to these countries is of crucial importance. At a national level, these states have no training bodies which to provide the training necessary for higher quality of expertise. The countries, involved in the training session are Bosnia & Herzegovina, Bulgaria, Croatia, the Republic of Macedonia, Serbia and Montenegro (before the separation) and Romania. The agenda is focused on the providing theoretical background to representatives of the participating countries. One of the basic aims is the make the official authorities such as lawyers, government and NGOs pay attention of the saliency of the issue. Relevant knowledge is needed for investigation and prevention of piracy. The course can serve as a future model for additional training, which can be adapted to regional entities for intellectual protection. Partners from Bulgaria are the Bulgarian Copyright Directorate at the Ministry of Culture, the IPR Group, part of the World Intellectual Property Organization, BULLACT (the Bulgarian Video Anti-piracy Association), BAMP (the Bulgarian Association of Music Producers), the local division of the Business Software Alliance, and last, but not least – the Bulgarian Commission for UNESCO. The next steps are already clear – a continuation of the session in another country from the partner list. They have to be very thankful to UNESCO because of its assistance in the organizing of the events and the methodological and financial support.

The effects of the Bulgarian initiatives have doubtful success and the international assistance proves the negative conclusions about them. The placement of Bulgaria back in the Special 301 list for 2013, after it was out of it since 2007, is clearly a call for actions and effective supervision for the law enforcing bodies. A tough control by the US is necessary due to their

critical opinion. The US Office of intellectual Property Enforcement promotes the US advanced role in copyright protection around the world. It aims at strengthening rules and norms and creating accessible market for US goods, because the US is considered to be a huge producing country. It cooperates with the US embassies everywhere and tries to provide the American intellectual property rights holders' with the protection they need. That is required from them, because nowadays the misbalance between the large producing economies and the small consuming and often financially bad countries, lays the foundations for the spread of piracy. It invests a lot of efforts in building up IPR law enforcement potential in the developing countries.

As far as the Bulgarian State is present in the Special 301 report, now in 2013 Bulgaria is again vindicated as incapable of protecting copyright holders and cannot eradicate the phenomenon of piracy of music, movies and software. The list is accompanied by Finland, Italy and Israel. In this relation, the Executive Vice-President of the IPPA Neil Turkewitz says 'for the other countries in the list, the problem may not wear the mark of a disaster, but for a small country like Bulgaria, it is very disturbing news. It is a developing economics and in the conditions of a financial crisis it has to attract foreign investments and multi-national companies. The placement of Bulgaria back in the list must be an indicator both for government and for entrepreneurs, who consider investing in Bulgaria. That will damage the image of Bulgaria being a country with supremacy of law and will have detrimental effects not only for the copyright industry, but for all other spheres³⁴. According to him, internet piracy has a number one place on the daily agenda of the Bulgarian government. The vast amount of torrent trackers and their owners, who refuse to pay even a minimum sum in order to pay to the artists whose works they distribute, do not contribute to any kind of dialogue and

³⁴ Dnevnik Press; 'Bulgaria under inspection again by the US because of internet piracy' (translated); http://www.dnevnik.bg/bulgaria/2013/05/19/2063965_bulgariia_otnovo_e_pod_nabljudenie_ot_sasht_zaradi/; [Accessed 27th May];

an attempt for solution. Bulgaria is punished by being included in the list again because of the rigid deterioration of intellectual property protection and the inability of the NGOs for collective copyright protection to deal with internet piracy. Stating this, he does not perceive properly the role of these NGOs, because they are not some sort of Internet Police, but they arrange the payment for artists from live performances mainly. Whatever happens in the digital sphere does not fall within their area of responsibility.

But could that possibly mean that the torrent trackers can triumph? Do clumsy legislation and the lack of verdicts doom the fight against piracy? What is the possible remedy? What is the chance of the so-called ‘legal platforms’? Answers to all these questions will be given in the next chapter.

Conclusion

Starting from the international level, the EU may have a significant impact on piracy and counterfeit. Last year, the EU Commission, following a proposal of President Barroso, launched a debate on the content in the digital sphere. The online sphere is the future of the digitalized economy, because the common EU GDP will grow seven fold in the years to come. There is a plenty of ways to distribute creative content online and it costs less and reaches the whole world in minutes. But one of the challenges for the thriving digitalized economy will be the protection of copyrights on the Internet. With that purpose the 2011 Intellectual Property Rights Strategy has been amended, but still a lot of work needs to be done in order to provide more access and a great variety of legal offers to Internet users. Two simultaneous actions are still in force – the EU Copyright must be enforced properly in all Member States and on the whole, the medium term goals in 2014 will be focused on the legitimacy of enforcement and the reduction of the fragmentation of the EU Copyright Market. A successful development of a digitalized single market and the easier access will be of great help to all MS, especially to Bulgaria.

The leading US expert and lawyer in the sphere of Intellectual Property Mark Eriksson, states that ‘internet piracy can be diminished, not eliminated only with cheap legal alternatives.’³⁵

According to him all creators of content must coordinate with the companies that provide Internet and the advertising companies in the Internet sphere. The problem with Bulgaria, that he obviously does not take into consideration, is that the number of internet providers is immense, there are big and small companies and it would take literally ages for an artist to get connected to all of them, and there is no legal register in Bulgaria of all Internet providers. Second – the advertising companies, which earn approximately 150,000 euro monthly from

³⁵ Eriksson, Mark; ‘Internet Piracy can be reduced only with cheap legal alternatives’; PROPHON Bulgaria; <http://blog.prophon.org/2012/10/blog-post.html> ; [Accessed 27th May];

Advertising, a huge sum which they share with the admins of the torrent trackers, which distribute copyright objects online. The possibility of coordination is a very small percentage. The above mentioned, Neal Turkewitz also shares the same opinion and basically they represent the US point of view on the matter. The EU's vision is more or less the same, because the EU Commission justifies the existence and spread of piracy to the lack of enough legal platforms. But the reality in Bulgaria is quite different from their perceptions.

Legal platforms are present and they are even quite a lot. For example, Apple iTunes was introduced in Bulgaria in 2011. It is part of its spread to the 12 EU Member States which did not have access to iTunes store. The next improvement will be the inclusion of movies in the list of creative content online through the platform.

Bulgarian companies have put a lot of efforts in building up some legal platforms. For example, Vmusic, part of the Netinfo media group, creates an online radio, an equivalent to Ladt.fm. It is launched in cooperation with several music labels and the list includes 300,000 titles, both Bulgarian and international. The income from commercials is shared between the content providers and the companies. It has more than 4500 daily visits and over 54,000 users.

Another music platform, Musicspace.bg, owned by one of the leading mobile operators, offers also creative content online. More than 3000 songs and 30 000 users are registered officially and for every song download or for every video being streamed, the artists get a fee.

Another mobile operator, namely Vivacom also develops a legal platform for music downloads and the users of it number 320 000. Its name is 4fun.bg and the website offers 100 000 songs, property of Universal. For a monthly fee of 4 BG leva (2 euro) users can download from all genres for free.

There is also a movie and TV series platform, called *Voyo* and owned by BTV Media Group. In response to a monthly fee of 4 euro, viewers can watch a number of TV series, offered by

BTV in advance and a huge list of movie titles. It is even given in 2012 an award at the International Conference for Digital Technologies *WebIT*, because it is considered to contribute a lot to the legal usage of copyrighted material on the Internet.

The alternatives, despite deemed as the remedy to the problem, are not well accepted in Bulgaria, especially Voyo. Plus, the revenue from these legal alternatives is insufficient and especially in the conditions of the financial crisis cannot thrive at all. And people continue to download torrents just because they can. Obviously this is not the right answer to the dilemma with internet piracy.

Two reasonable solutions are offered completely casually in the process of campaigns. One comes from the Chairman of the Division 'Copyright and Neighboring Rights' to the Ministry of Culture Georgi Damyanov, who shares the opinion that a symbolic sum of money should be added to everyone's annual fee for Internet and the Internet providers must do that in order to compensate the artists for the potential losses for downloads. That is quite reasonable, but also quite hard to happen due to the large network of internet providers and their anonymity (in most cases).

Another suggestion deals with the idea that inevitably the Cyber Crime Unit and the government institutions will reach the logical conclusion that they cannot close up all torrent sites, but to implement a fee, pay their administrators to compensate the artists deprived, because these websites earn thousands from commercials. Also a penalty fee for the companies which advertise on these websites can be introduced. A hardship for the realization of this idea stems from the clumsy legislation and a lot of efforts must be done to compensate for it.

Last, but not least, a second chance to the idea of an Agency that will follow users who download illegally, could be given. The initiative belongs to the Ministry of Interior and is conducted against small-scale piracy at end-users level. There will be two warnings if one is

detected to do so, and the third warning will be accompanied by a fine (not a disconnection from the Internet, how the French Law HADOPI states). This idea has a chance, because the Bulgarian Internet user dislikes giving money and one could derive basic morals from the threat of downloading not in accordance with laws. The opinion of the creation of such an Agency is supported by experts with long-lasting experience in the realm of cyber crimes. But first, the whole way of thinking of consumers must be changed and the feeling of unpunishment, imputed to them by the ineffective structures for copyright protection and internet piracy, must be eradicated. The successful Cyber Crime Unit operations from the last years have decreased the number of pirated goods usage from 90% to 30%. According to the Bulgarian Vice-Prime Minister Tsvetan Tsvetanov, the civil society must be included in order for a political consensus for major changes in the field of copyright, to be achieved. While legislation still has negative nuances for users, they will not be willing to keep up with the rules. Any penalty procedures must take place really fast, because any kind of procrastination has a 99% chance to end up as unfinished case in courts. No tolerance towards such crimes should take place. This measure needs the strong cooperation of the internet providers, whose number must be decreased and all of them must pass through an official registration in a register.

As a conclusion it could be stated that internet piracy is a serious issue in Bulgaria, but its problem seems to be exaggerated on the international level. Unfortunately it has the bad luck to be a newly accepted Member State to the European Union and all its actions in the field of copyright protection will be examined with scrutiny. As far as the criticisms of the US are concerned, their comments on its strategies and plans to deal with online piracy demonstrate a significant level of unfamiliarity of the inapplicability of the solutions they propose. Oppressive actions against end-users and useless documents such as ACTA, SOPA and all the rest, not ratified by any EU Member State, are not effective tools to fight the phenomenon.

Bulgaria needs to reform the legislative system and to establish the proper institutions which issue fast procedures. Frankly speaking, if it happens to only one person, no matter if it is an end-user, punished with a fine, or an administrator of a torrent trackers, sent to jail with an effective sentence, it will serve as a good example for all who intend to break the laws and deprive artists from their deserved profits. Internet piracy, as a phenomenon of the modern age cannot be fully eradicated; even the US cannot fully cope with it. That is why the basic conclusion from the research can be summarized in the following way: the seriousness of the issue should not be exaggerated in Bulgaria, yes, there is a problem, but just like everywhere else in the developed countries and the Bulgarian government must be left without negative supervision of the US and the EU. It must find its own way to deal with this problem and probably to combine the good practices, already tested by the two leading forces in the fight against piracy.

Reference:

Cherry, David; 'Internet Piracy: Brief History & Ethical Concerns'; http://faculty.ist.psu.edu/bagby/432Spring12/T16/Internet_Piracy_Essay.doc;

O'Regan, Karla M; 'Downloading Personhood: A Hegelian Theory of Copyright Law'; http://cjltdal.ca/vol7_no1/pdf/oregan.pdf;

Weber, Dane Joseph; 'A Critique of Intellectual Property Rights', Chapter 2 '[Overview and Critique of the Natural Rights Argument](#)'. Lockean Natural Rights'; <http://dane.weber.org/concept/thesis.html#locke>

'Court of Human Rights finds that restrictions on copyright could violate the right to freedom of expression'; <http://www.lexology.com/library/detail.aspx?g=bf9558c8-ad6f-459e-8ce8-c5dbd2729a82>;

Higgins, George; 'Digital Piracy, Self-Control Theory, and Rational Choice: An Examination of the Role of Value'; International Journal of Cyber Criminology, Vol 1, issue 1, January 2007; <http://www.cybercrimejournal.com/georgeijcc.pdf> ;

d'Astous, Alain; 'Music Piracy on the Web – How Effective Are Anti-Piracy Arguments? Evidence From the Theory of Planned Behaviour'; Journal of Consumer Policy (2005); <http://faculty.nh.syr.edu/bjsheeha/Research%20Projects/music%20download%20research/music%20download%20project/articles%20for%20music%20download/planned%20behavior.pdf> ;

Kampmann, Matthias; 'Online Piracy and Consumer Affect: To pay or not to pay'; http://essay.utwente.nl/60470/1/MA_thesis_M_Kampmann.pdf ;

Belleflamme, Paul/ Reitz, Martin; 'Digital Piracy: Theory'; ECORE Discussion Paper; http://www.ecore.be/DPs/dp_1288172430.pdf; [Accessed 21st May, 2013];

Watt, Richard; 'Copyright piracy as prey-predator behavior'; <http://link.springer.com/content/pdf/10.1007%2Fs10818-010-9098-1.pdf> ;

Castells/ Cardoso; 'Piracy Cultures' International Journal of Communication 6 (2012); <http://ijoc.org/ojs/index.php/ijoc/article/viewFile/1610/732>, cited in Dent, 2012;

'Bulgarian software piracy remains at 68 per cent - BSA report'; http://sofiaecho.com/2009/05/12/718008_bulgarian-software-piracy-remains-at-68-per-cent-bsa-report;

'What is copyright?' Copyrights.bg; <http://copyrights.bg/%D0%B0%D0%B2%D1%82%D0%BE%D1%80%D1%81%D0%BA%D0%BE-%D0%BF%D1%80%D0%B0%D0%B2%D0%BE/>; translated;

‘Today at the Ministry of Culture, a Memorandum for Cooperation for Copyright Protection was signed’; <http://mc.government.bg/newsn.php?n=37&p=67>; Translated;

Summary of the Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms (1971)’; http://www.wipo.int/treaties/en/ip/phonograms/summary_phonograms.html ;

Nikolova, Rayna; ‘Changes in the Area of Copyright in Relation to the EU Membership of Bulgaria’; <http://merlin.obs.coe.int/iris/2006/1/article99.en.html>;

Van Schaik, Freya/ van der Wahl, Gerard; ‘The combat against counterfeiting and piracy in the European Union’;
http://www.houthoff.com/uploads/tx_hhpublishations/GerardvanderWalandFreyavanSchaik-ThecombatagainstcounterfeitingandpiracyintheEuropeanUni.PDF;

‘European anti-counterfeiting and anti-piracy plan’;
http://europa.eu/legislation_summaries/fight_against_fraud/fight_against_counterfeiting/1f0001_en.htm;

‘DIRECTIVE 2001/29/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society’; Official Journal of the European Communities, 22.06.2001;

‘European Commission launches reflection on a Digital Single Market for Creative Content Online’; http://europa.eu/rapid/press-release_IP-09-1563_bg.htm;

Georgiev, Asen; ‘Free on the Internet. But till when?’; Capital Daily Press;
http://www.capital.bg/politika_i_ikonomika/bulgaria/2009/11/13/815383_svobodni_v_internet_no_dokoga/;

O’Brian, Kevin J; ‘E.U. Leaders Bolster Internet Access Protections’; November, 2009; NY times; http://www.nytimes.com/2009/11/06/technology/internet/06net.html?_r=0 ;

Fulton, Scott M; ‘EC's Reding: Government should act as broker for media downloads’;
<http://betanews.com/2009/07/09/ec-s-reding-government-should-act-as-broker-for-media-downloads/>;

EU Commissioner: Digital Natives See Piracy As ‘Sexy’; <http://torrentfreak.com/eu-commissioner-digital-natives-see-piracy-as-sexy-090710/>;

Meller, Paul; ‘Parliament report stirs lobbying drive on internet piracy’;
[http://computerworld.co.nz/news.nsf/news/parliament-report-stirs-lobbying-drive-on-internet-piracy](http://computerworld.co.nz/news.nsf/news/parliament-report-stirs-lobbying-drive-on-internet-piracy;);

Stefanova, Daniela; ‘Anti-mobsters against torrents – the war goes on’; Capital Daily;
http://www.dnevnik.bg/dnevnikplus/2007/03/18/320056_antimafioti_sreshtu_torenti_voinata_produljava/;

Stefanova, Daniela; 'The Migration of Torrents'; Capital Daily;
http://www.dnevnik.bg/dnevnikplus/2007/02/27/315075_migraciata_na_torentite/;

'Bulgaria under inspection again by the US because of internet piracy' (translated); Dnevnik Press;
http://www.dnevnik.bg/bulgaria/2013/05/19/2063965_bulgaria_otnovo_e_pod_nabljudenie_ot_sasht_zaradi/;

Eriksson, Mark; 'Internet Piracy can be reduced only with cheap legal alternatives'; PROPHON Bulgaria; <http://blog.prophon.org/2012/10/blog-post.html>;

Netanel, Neil; 'Copyright's Paradox'; Oxford University Press, 2008;

'Reding: internet piracy is a wake-up call';
<http://www.expertreviews.co.uk/software/261043/reding-internet-piracy-is-ldquo-a-wake-up-call-rdquo> ;

'Blocking the Net 'Not the European Option' - EU Commissioner Reding';
<http://www.techdirt.com/articles/20120123/05544117513/blocking-net-not-european-option-eu-commissioner-reding.shtml>;

'The Right to Share: Principles on Freedom of Expression and Copyright in the Digital Age';
<http://www.article19.org/resources.php/resource/3716/en/>
<http://zamunda.bz/tag/интернет>;

Sugden, Paul; 'Internet Piracy and Copyright Debates'; <http://www.irma-international.org/chapter/internet-piracy-copyright-debates/13501/>;

<http://www.state.gov/>

<http://www.ustr.gov/> ;

<http://bullact.org/>

<http://www.capital.bg/>;

<http://copyrights.bg/>;

<http://ipbulgaria.bg/>

<http://www.bamp-bg.org>

<http://www.eulaw.egov.bg>

Roberts, Jeff John; 'Three Myths Behind 'Internet Pirates Always Win'
<http://www.businessweek.com/articles/2012-09-17/three-myths-behind-internet-pirates-always-win>;

'Radio and Television Act (in Bulgarian); http://www.unesco.org/culture/pdf/anti-piracy/Bulgaria/bg_RadioTeleAct_bg.pdf;

Atanasova, Irina; 'COPYRIGHT INFRINGEMENT. REMEDIES AND CRIMINAL SANCTIONS' Conference Paper, South-West University 'Neofit Rilski, Blagoevgrad; http://www.sustz.com/Proceeding10/Papers/Social%20studies/I_Atanasova1.pdf;

Yu, Peter; 'DIGITAL PIRACY AND THE COPYRIGHT RESPONSE'; <http://www.peteryu.com/piracy.pdf>

Smith, Graham; 'Copyright and freedom of expression in the online world'; <http://jiplp.oxfordjournals.org/content/5/2/88.short> ; Oxford Journals;

WIPO Internet Copyright Treaties Coming Into Force; <http://www.stepto.com/assets/attachments/1131.pdf>;

2012 Special 301 Report; 'http://www.ustr.gov/about-us/press-office/reports-and-publications/2012-2';

EU Green Paper on counterfeit and Piracy: A Call to Action'' <http://sccms.bsa.org/country/Research%20and%20Statistics/~media/75EC8A336F2E48FBA48AFF059AE6DA1C.ashx> ;

Malm, Jessica; 'Ethical Reflections on Internet Piracy'; http://www.idt.mdh.se/kurser/cd5590/Archives/07_11/Examples-Papers_LectureNotes/Ethical%20Reflections%20on%20Internet%20Piracy.pdf ;

'Communication from the Commission. On Content in the Digital Single Market'; http://ec.europa.eu/internal_market/copyright/docs/copyright-infso/121218_communication-online-content_en.pdf ;

'Copyright, Piracy and Cultural Industries'; http://www.acpcultures.eu/_upload/ocr_document/UNESCO-GDAC_CopyrightPiracy_article10.04.2006.pdf ;

'Anti-piracy training for trainers in Sofia', Project Sheet; http://portal.unesco.org/culture/es/files/30651/11444188773antipiracy_sofia.pdf/antipiracy_sofia.pdf ;

www.musicauthor.bg

<http://www.mc.government.bg/>

<http://www.iipa.com/>

'Treaties and Contracting Parties'; www.wipo.int ;

Cyber Crime Unit website; <http://ipr.cybercrime.bg/> www.btv.bg

www.4fun.bg

www.voyo.bg

www.fairplay.bg

Karaganis, Joe; 'Media Piracy in Emerging Economies';

<http://www.ssrc.org/publications/view/C4A69B1C-8051-E011-9A1B-001CC477EC84/>;

Yochev, Yordan; 'Agency will follow the pirates on the internet' (Translated from Bulgarian);

<http://www.monitor.bg/article?id=242006> ;

Kozuharov, Georgi 'Triumph of the torrents' (translated from Bulgarian);

http://sofiaecho.com/2010/03/26/878911_triumph-of-the-torrents ;

www.vmusic.bg

Turkewitz, Neil; 'The Changes in the Copyright and Neighboring Rights Act generated New Problems' (translated from Bulgarian);

http://www.capital.bg/biznes/kompanii/2013/05/22/2066706_nil_turkevic_promenite_v_zakona_za_avtorskoto_pravo/ ;