Copyright in Educational materials

Prosveta Publishing House, Sofia, Bulgaria
Prosveta Publishing House is the biggest educational publisher in Bulgaria.

Produces textbooks for all grades and subjects from nursery and preschool to 12th school grade.
We have published more than 17,000 titles.
We have worked with 50,000 authors and artists.
We have published more than 9 million ABC books.
The total print run of all our titles is more than 2 billion.
In 2011 we started producing our e-textbooks.

We have 200 e-textbooks with additional educational resources included in them – presentations, videos, clips, quizzes, tests, crosswords, audios, interactive exercises, games, etc.
The copyright legislation in Bulgaria is based on:

Article 5
3. Member States may provide for exceptions or limitations to the rights provided for in Articles 2 and 3 in the following cases:
(a) use for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent justified by the non-commercial purpose to be achieved.
The Copyright and Related Rights Act

Article 24. (Amended, SG. No. 77/2002) (1) No permission from the author and no compensation shall be due in the case of:
3. the use of parts of published works or of a moderate number of small works in other works in a volume that is required for the purposes of preparing an analysis, commentary, or other scientific research; such use shall be admissible only if it is done for scientific or educational purposes and if reference is made to the source and name of the author, unless this turns out to be impossible;
How do we cope with the copyright issue?

- Separate Contracts with the authors of the text and the artists /photographers / designers

- The authors and the artists transfer the executive right to publish the work to the publisher for a specified percentage of royalties (authors)/lump sum (artists)
One of the Articles of the contracts says:

“The authors and artists guarantee that the content of the work does not infringe the third person’s rights and that the work is original, and that he/she is the only right holder”.

Copyright in Educational Materials,
Belgrade, 23th - 24th April, 2015
➢ Theoretically, the main responsibility concerning the copyright rests with the authors/artists.

➢ Practically, the publisher is the one who takes responsibility in case of judicial proceedings.
Main problems:

- Language and Literature textbooks - obligatory texts by modern authors specified in the curriculum.

- Textbooks in Music – authors of the text, composers, musicians and singers, orchestrators and producers.
Main problems:

- Textbooks in Arts – paintings by contemporary artists included in the curriculum.

- Cooperation with organizations for collective management of copyright and related rights.
At present all expenses on buying rights from right holders are paid by the publisher – this raises the cost of the final product especially in Music textbooks.

We are considering the possibility to share these expenses with the textbook authors in the contracts for the new textbooks.
In order to cope with all possible problems and be on the safe side in the new tenders for textbooks which we expect to be very soon:

- We commissioned a law firm to prepare analysis based on the legislation and judicial practice and procedures to avoid any infringements of the Copyright and Related Rights Law.
The analysis was quite expensive and not very useful. The reasons for that were:

- the vague text of the Law where non-commercial use is not explicitly mentioned;

- the controversial judiciary practice of the Bulgarian Court – in four identical cases – three different rulings of the Court.
The only way to solve the problem with literary texts and music is to have a document for every piece included in the textbooks:

- a contract granting the rights to use the work for some remuneration, or

- a declaration from the right bearer that he/she concedes us the right to use the work in a specified textbook for free.
Thank you for your attention!