

Kluwer Copyright Blog

Bulgaria: Commercial case No. 3824 of 2014, Court of Appeal of Sofia, 478, 11 March 2015

Teodora Tsenova (Institute of Private International Law) · Friday, May 15th, 2015

In this case, the Court of Appeal was required to determine the amount of damages payable when the fact of infringement was ascertained but there was insufficient evidence on the total amount of damages incurred. The court held that the circumstances related to the type, nature and gravity of the infringement, the lost profit, any moral damages incurred and the revenue gained as a result of the infringement should all be taken into account, in accordance with the equity principle.

In this case, which concerned copyright infringement through the publication of two photographs in two issues of a daily newspaper, the court took into account the following: the significant circulation of the daily newspaper (130,000), the fact that the photographs were published in relation to breaking news articles, the fact that articles together with photographs were widely used in different media by an individual, the revenue of the publisher per newspaper (price of a newspaper and also profit from advertising), as well as the profit lost by the author of the photographs, comprising the remuneration that would have been received by him in consideration for authorisation to use of the photographs.

A [full summary](#) of this case has been published on [Kluwer IP Law](#)

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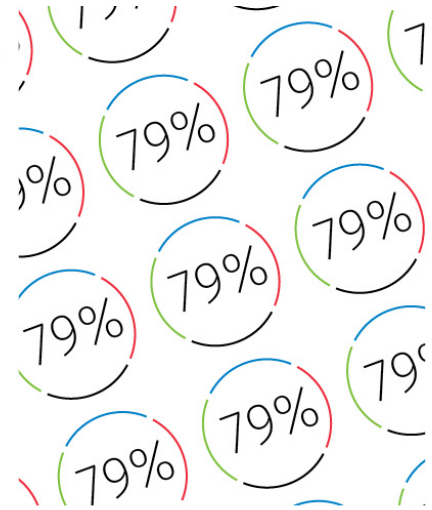
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