



INTERNATIONAL SEMINAR ON COPYRIGHT

**Private Copy and Levies:
The International Experience**

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PRIVATE COPYING REMUNERATION

Music and Audio-Visual

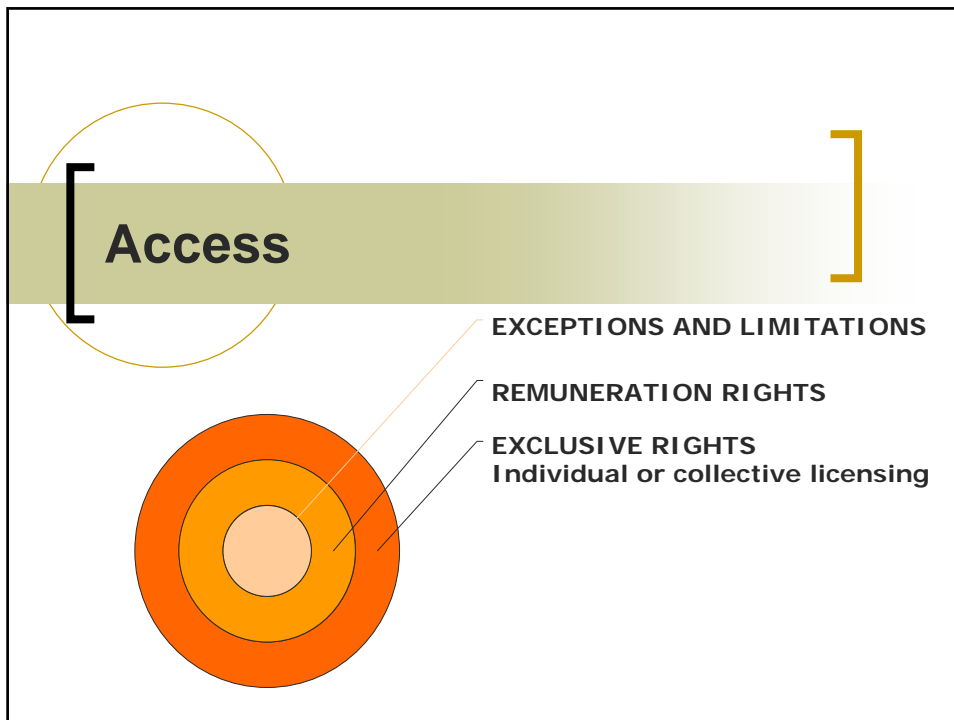
Text and Images

[Topics]

1. Rationale of Copyright
2. EU Legislation
3. Practical Implementation
4. Digital Challenges
5. Other Continents
6. Considerations

[Rationale]

- Provide users with easy and lawful access
- AND**
- Compensate rightsholders for the use of their works



- EU Legislation**
- Information Society Directive
 - Certain optional exceptions and limitations with fair compensation
 - **Reprography**
 - **Private copying**

[Private Copying]

- Reproductions on any medium
- by a natural person
- neither directly or indirectly commercial
- **fair compensation** condition
- application of technological measures

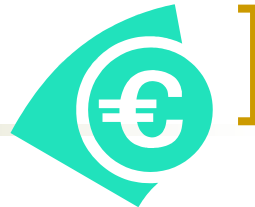
[Fair Compensation]

- Form, practical arrangement, level
 - **Implementation at national level**
- Compensation in the price of
 - **Blank carriers and copying devices**

[Implementation]

- **Liability party**
 - Manufacturer or importer
 - Finally the consumer
- **Collection and distribution**
 - CMOs

[Tariff Setting]



- National law or regulation
- Negotiation between parties
- Arbitration or court

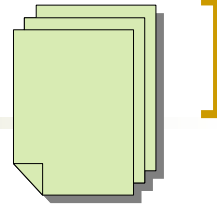
[Distribution]

- **Music**
 - Authors, performers, producers
- **Audiovisual**
 - Authors, performers, producers
- **Text and images**
 - Authors, visual creators, publishers

[Collective Purposes]

- Legislation in some countries
 - **Cultural and/or social purposes**
- Examples
 - **20 % Portugal, Spain, Japan**

[Reprography]



■ **Devices**

- Photocopiers, scanners, faxes, printers, multifunction machines, etc.

■ **Carriers**

- Paper
- CD-R, DVD-R, etc.

[Spain]

■ Scope of fair compensation

- **Private copying – equipment levy**

■ Collective licensing

- Universities, copy-shops, libraries, etc.

■ Collection in 2007

- 43,9 M € and 1,9 M €

[Belgium]

- Remuneration right
 - Private copying: **equipment levy**
 - Other copying: **operator levy**

- Collection in 2007
 - 9.3 M € and 10,9 M €

[Music and Audiovisual]

- European Union
 - Private copying remuneration in **24 Member States**

- Collection for digital media in 2006
 - **453 M €**

[Remuneration]

Austria, 1980	Italy, 1992
Belgium, 1994	Latvia, 2002
Bulgaria, 2000	Lithuania, 2003
Check Rep, 2000	Netherlands, 1990
Denmark, 1992	Sweden, 1999
Estonia, 2002	Poland, 1994
Finland, 1984	Portugal, 1985
France, 1985	Romania, 2000
Germany, 1964/85	Slovakia, 1997
Greece, 1993	Slovenia, 1995
Hungary, 1982/99	Spain, 1987

[Digital domain]



- CD-R(W)
- DVD-R(W)
- Memory cards
- USB sticks
- Mobile phones with MP3
- Digital set-top-boxes

[Digital Challenges]

- **Use of technological protection**
 - Actual use, not existence
- **Proportionality**
 - Studies → level of compensation

[Stakeholder Forum 2008]

- **Working Groups**
 - Free-riders and grey market
 - Refund systems
 - Principles for calculating levies
 - Combating piracy

[Other Continents]

- US (Digital Home Recording Act)
- Canada
- Japan, South Korea
- Ghana, Nigeria, Botswana
- Paraguay, Ecuador

[Considerations]

- **Legal certainty**
 - Clear scope of exception
 - Not substitute for licensing
 - No compensation for piracy

[Considerations]

- Effect on intellectual creativity and cultural diversity
 - **Culture First! Coalitions**
- Co-existence with new business models in the foreseeable future

[Pedro Almodóvar, Film Director]

“The issue of compensation for private copying is of utmost importance for the well-being of Europe’s creative community.”