



**INTERNATIONAL SEMINAR ON COPYRIGHT**

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

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**PRIVATE COPYING REMUNERATION**

**Music and Audio-Visual**

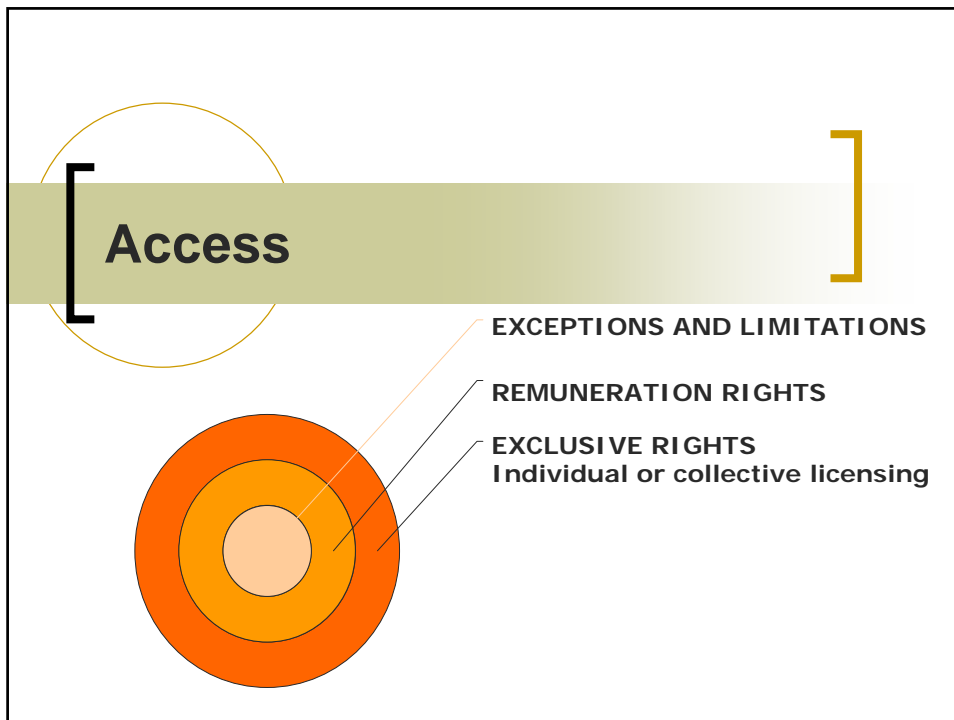
**Text and Images**

## [ 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



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- The diagram features a horizontal bar with a green-to-white gradient, labeled "EU Legislation" in bold black text. To the left of the bar is a large black left square bracket, and to the right is a large yellow right square bracket.
- 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

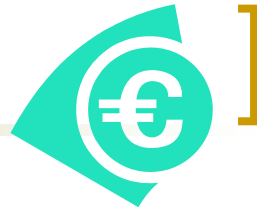
## [ Fair Compensation ]

- 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

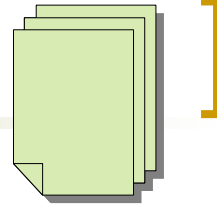
## [ Distribution ]

- **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
<b>Finland, 1984</b>	Portugal, 1985
France, 1985	Romania, 2000
<b>Germany, 1964/85</b>	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.”