International Survey on Private Copying Law & Practice

20th Revision 2009

de Thuiskopie

INTRODUCTION

Stichting de Thuiskopie (Dutch Private Copying Society) is proud to present to you the 20th edition of the 'International Survey on Private Copying Law & Practice'.
This survey has compiled all relevant information on Private Copying regulation in Europe and beyond for 2009.

In the past, this report has proven its value in the field of Private Copying. Besides the fact that it is used as a practical reference for anyone interested in the regulations on Private Copying, it is also frequently consulted by collecting societies, politicians and decision makers all over the world. With the growing interest of public and politics in Private Copying, it is of great importance for collecting societies to cooperate on providing more transparency and insight in their various systems.

We would like to thank all collecting societies for providing the relevant information for this survey and would like to congratulate our colleagues in Greece and Slovenia on their success in collecting the levies for the rightholders in their countries over the past year.

Stichting de Thuiskopie is convinced that the International Survey will be of added value in negotiations and hopes it stimulates a realistic international discussion on and development of Private Copying legislation.

Best regards,

De Thuiskopie

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TABLE OF CONTENT

1. CONTACT INFORMATION 4
2. SUMMARY 5
   I. TARIFFS ON BLANK CARRIERS 5
   II. TARIFFS ON DEVICES 6
   III. ADDITIONAL INFORMATION 7
3. AUSTRIA 8
4. BELGIUM 12
5. CANADA 16
6. CROATIA 19
7. CZECH REPUBLIC (OSA) 23
8. CZECH REPUBLIC (INTERGRAM) 26
9. DENMARK 30
10. ESTONIA 33
11. FINLAND 36
12. FRANCE 41
13. GERMANY 46
14. GREECE 50
15. HUNGARY 53
16. ITALY 57
17. JAPAN 60
18. LATVIA 64
19. LITHUANIA 67
20. THE NETHERLANDS 70
21. NORWAY 74
22. POLAND 76
23. PORTUGAL 79
24. SLOVAKIA 82
25. SLOVENIA 84
26. SPAIN 87
27. SWEDEN 91
28. SWITZERLAND 95
29. TURKEY 99

1. CONTACT INFORMATION

Country	Organisation	Website
Austria	AUSTRO MECHANA	www.aume.at
Belgium	AUVIBEL	www.auvibel.be
Canada	CPCC	www.cpcc.ca
Croatia	HDS	www.hds.hr
Czech Republic	OSA	www.osa.cz
	INTERGRAM	www.intergram.cz
Denmark	COPYDAN BÅNDKOPI	www.copydan.dk
Estonia	EAU	www.eau.org
Finland	TEOSTO	www.hyvitysmaksu.fi
France	SORECOP / COPIE FRANCE	www.sorecop.fr
Germany	ZPÜ	www.gema.de/zpue
Greece	AEPI	www.aepi.gr
Hungary	ARTISJUS	www.artisjus.hu
Italy	SIAE	www.siae.it
Japan	SARVH	www.sarvh.or.jp
	SARAH	www.sarah.or.jp
Latvia	AKKA/LAA	www.akka-laa.lv
Lithuania	LATGA-A	www.latga.lt
The Netherlands	STICHTING DE THUISKOPIE	www.thuiskopie.nl
Norway	NORWACO	www.norwaco.no
Poland	ZAIKS	www.zaiks.org.pl
Portugal	AGECOP	www.agecop.pt
Slovakia	SOZA	www.soza.sk
Slovenia	ZAVOD IPF	www.zavod-ipf.si
Spain	SGAE	www.sgae.es
Sweden	COPYSWEDE	www.copyswede.se
Switzerland	SUISA	www.suisa.ch
Turkey	MU-YAP	www.mu-yap.org

2. SUMMARY

I. TARIFFS ON BLANK CARRIERS

All the amounts in this report are in Euro (€).

Country	*Page*	**Data cd-r**	**DVD-**	**DVD+**
Austria	*8*	0,34 (per 80 minutes/700 MB)	0,54 (per 120 min/4,7 GB)	0,54 (per 120 min/4,7 GB)
Belgium	*12*	0,12 (per unit)	0,59 (per unit)	0,59 (per unit)
Canada	*16*	0,18 (per 100 MB)	-	-
Croatia	*19*	0,01 (<1GB)	0,01 (per unit/<10 GB)	0,01 (per unit/<10 GB)
Czech Republic (OSA)	*23*	0,008 (per unit)	0,021 (per unit)	0,021 (per unit)
Czech Republic (Intergram)	*26*	0,02 (per unit)	0,04 (per unit)	0,04 (per unit)
Denmark	*30*	0,28 (per unit)	0,44 (per unit)	0,44 (per unit)
Estonia	*33*	8% of import price	8% of import price	8% of import price
Finland	*36*	0,20 (< 1 GB)	0,60 (per 4,7 GB)	0,60 (per 4,7 GB)
France	*41*	0,35 (per 700 MB)	1,00 (per 4,7 GB)	1,00 (per 4,7 GB)
Germany	*46*	0,0288 (Per 80 minutes/700 MB)	0,174 (Per 240 minutes/4,7 GB)	0,174 (Per 240 minutes/4,7 GB)
Greece	*50*	6% of the value	6% of the value	6% of the value
Hungary	*53*	0,15 (<700 MB) – 0,21 (>700 MB)	0,05 (<4,7 GB) – 0,37 (4,7 GB)	0,05 (<4,7 GB) – 0,37 (4,7 GB)
Italy	*57*	0,25 (per 700 MB)	0,58 (per 4.7 GB)	0,58 (per 4.7 GB)
Japan	*60*	-	1% of base price	1% of base price
Latvia	*64*	0,14 (per unit)	0,28 (per unit)	0,28 (per unit)
Lithuania	*67*	6% of import price	6% of import price	6% of import price
The Netherlands	*70*	0,14 (per unit)	0,60 (per 4.7 GB)	0,40 (per 4.7 GB)
Norway	*74*	Annual compensation by Government (no levies)		
Poland	*76*	1,72% of sale price	2,53% of sale price	2,53% of sale price
Portugal	*79*	0,05 (per unit)	0,14 (per unit)	0,14 (per unit)
Slovakia	*82*	6% of sale price or import price	6% of sale price or import price	6% of sale price or import price
Slovenia	*84*	0,03 (per GB / max € 16,69)	0,03 (per GB / max € 16,69)	0,03 (per GB / max € 16,69)
Spain	*87*	0,17 (per unit)	0,44 (per unit)	0,44 (per unit)
Sweden	*91*	0,06 (900 MB)	0,25 (4,7 GB)	0,25 (4,7 GB)
Switzerland	*95*	0,03 (525 MB)	0,23 (4,7 GB)	0,23 (4,7 GB)
Turkey	*99*	Amount of compensation set by Government (<3% of import/manufacturers price)		

II. TARIFFS ON DEVICES

All the amounts in this report are in Euro (€).

Country	*Page*	**Mp3 player**	**Hard disk DVD-recorder**	**Memory card**
Austria	*8*	3,00 (<256 MB) – 9,00 (30 GB)	9,00 (<80 GB) – 22,50 (400 GB)	In combination with Mp3
Belgium	*12*	-	3% of purchasing price (x 1,2) or 3% of sale price	-
Canada	*16*	-	-	-
Croatia	*19*	1,92 (per unit)	4,12 (per unit)	0,55 (<16 GB) – 1,10 (>16 GB)
Czech Republic (OSA)	*23*	1,5% of import price or sale price	1,8% of import price or sale price	0,113 (per 512 MB)
Czech Republic (Intergram)	*26*	3% of sale price	3% of sale price	0,24 (per 512 MB)
Denmark	*30*	-	-	0,62 (per unit)
Estonia	*33*	-	3% of sale price	-
Finland	*36*	4,00 (<512 MB) – 21,00 (>250 GB)	4,00 (<512 MB) – 21,00 (>250 GB)	-
France	*41*	1,00 (<128 MB) – 20,00 (40 GB)	5,00 (<1 GB) – 50,00 (560 GB)	0,072 (<512 MB) – 0,944 (16 GB)
Germany	*46*	2,56 (per unit)	9,21 (per unit)	Negotiations
Greece	*50*	6% of the value	6% of the value	6% of the value
Hungary	*53*	0,33 (<32 MB) – 26,64 (80GB)	10,66 (<80 GB) – 24,00 (>250 GB)	0,13 (<65 MB) – 10,65 (32 GB)
Italy	*57*	3% of retail price	3% of retail price	-
Japan	*60*	-	1% of base price	-
Latvia	*64*	1,42 (per unit)	1,42 (per unit)	-
Lithuania	*67*	-	-	-
The Netherlands	*70*	-	-	-
Norway	*74*	Annual compensation by Government (no levies)		
Poland	*76*	3% of sale price	1,46% of sale price	0,47% of sale price
Portugal	*79*	-	-	-
Slovakia	*82*	3% of total income of the sale	3% of total income of the sale	3% of total income of the sale
Slovenia	*84*	4,17 (<2 GB) – 8,35 (>2 GB)	6,26 (per unit)	0,03 (per GB / max € 16,69)
Spain	*87*	3,15 (per unit)	3,40 (per unit)	0,30 (per unit)
Sweden	*91*	0,08 (256 MB) – 27,90 (>250 GB)	13,00 (40 GB) – 27, 90 (>250 GB)	-
Switzerland	*95*	9,66 (1 GB) – 27,20 (32 GB)	0,22 (per GB)	-
Turkey	*99*	Amount of compensation set by Government (<3% of import/manufacturers price)		

III. ADDITIONAL INFORMATION

- **CYPRUS**: No private copying exception or remuneration scheme.
- **ICELAND:** No updated information available at the time of publishing.
- **IRELAND:** No private copying exception or remuneration scheme.
- **LUXEMBOURG:** Private copying exception but no remuneration scheme.
- **MALTA:** Private copying exception but no remuneration scheme.
- **UNITED KINGDOM:** No private copying exception or remuneration scheme.

3. AUSTRIA

CONTACT INFORMATION

Population	: 8.356.700
Organisation	: AUSTRO MECHANA
Internet	: www.aume.at
Email	: office@aume.at
Phone	: +43 1 717 87
Fax	: +43 1 712 71 36
Address	: 1030 Wien, Baumannstraße 10

LEGISLATION AND FUNDAMENTALS

Legal basis : Copyright Act

Collecting society : Austro Mechana

Legal status : Monopoly, special authorisation, control by and report to Federal Chancellery

Liable party :
Manufacturer and importer.
Extended: Reseller also liable, when purchasing more than 5.000 hours audio or 10.000 hours video carriers in half a year.

Obligation to report : Legal Obligation to report to Austro Mechana.

Liability moment : Upon distribution to the local market.

Cooperation customs : Yes

Export refund : By representing the export invoice.

Legal penalty for omission : No legal penalty

Control of obligated parties :
By general contract Austro Mechana is allowed to check the reports.

Who sets the levies?
The collecting societies in negotiation with the Chamber of Commerce or by determination of an arbitration court.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
The collecting societies negotiate the shares for a determined period.

Audio scheme :
Audio analogue:
- 43,00% Austro-Mechana (musical works)
- 7,00% Literar-Mechana (literary works)
- 44,50% LSG (Neighbouring Rights)
- 5,50% VGR (Broadcasting Rights)

Audio digital:
- 47,92% Austro-Mechana
- 1,58% Literar-Mechana
- 49,50% LSG
- 1,00% VGR

Video scheme :
Video analogue:
- 16,85% Austro-Mechana
- 11,65% Literar-Mechana
- 6,25% LSG
- 25,89% VAM
- 2,00% VBK
- 20,86% VDFS
- 16,50% VGR

Video digital:
- 16,85% Austro-Mechana
- 11,65% Literar-Mechana
- 6,25% LSG
- 26,02% VAM
- 1,75% VBK
- 20,98% VDFS
- 16,50% VGR

Other :
Audio digital:
- 100,00% of MD and CDR Audio revenues
- 84,60% of CDR revenues
- 20,20% of DVD revenues
- 98,00% of portable A-/V-Player revenues
- 6,10% of HD-Recorder revenues

Video digital:
- 15,40% of CDR revenues
- 79,80% of DVD revenues
- 2,00% of portable A-/V-Player revenues
- 93,90% of HD-Recorder revenues

Collective purposes : Yes
Funds for collective purposes are used for social and cultural aims.

LEVIES

Audio levies			
	Levy	Capacity	Discount
Audiocassette	€ 0,18	60 minutes	€ 0,12
Minidisc	€ 0,36	80 minutes	€ 0,24
Audio-cd r/rw	€ 0,36	80 minutes / 700 MB	€ 0,24
Data-cd r/rw	€ 0,34	80 minutes / 700 MB	€ 0,23
Memory Cards	€ 3,00	< 256 MB	€ 2,00
	€ 4,50	256 - 512 MB	€ 3,00
	€ 5,25	512 MB - 1 GB	€ 3,50
	€ 6,00	1 - 4 GB	€ 4,00
	€ 9,00	4 - 30 GB	€ 6,00
Additional info Memory Cards are not levied solely, only in combination with MP3 Player			

Video levies			
	Levy	Capacity	Discount
Videocassette	€ 0,81	180 minutes	€ 0,54
DVD+ r/rw	€ 0,54	120 minutes / 4,7 GB	€ 0,36
DVD- r/rw	€ 0,54	120 minutes / 4,7 GB	€ 0,36
DVD ram	€ 0,54	120 minutes / 4,7 GB	€ 0,36
DVD double-layer	€ 1,08	240 minutes / 8,5 GB	€ 0,72
Blu-Ray	€ 2,87	25 GB	€ 1,91
HD-DVD	€ 2,87	25 GB	€ 1,91

Devices levies			
	Levy	Capacity	Discount
Digital jukebox	€ 9,00	< 30 GB	€ 6,00
	€ 10,50	30 - 60 GB	€ 7,00
	€ 12,00	> 60 GB	€ 8,00
MP3 player	€ 3,00	< 256 MB	€ 2,00
	€ 4,50	256 - 512 MB	€ 3,00
	€ 5,25	512 MB - 1 GB	€ 3,50
	€ 6,00	1 - 4 GB	€ 4,00
	€ 9,00	4 - 30 GB	€ 6,00
DVD / SAT Harddisk recorder.	€ 9,00	< 80 GB	€ 6,00
	€ 15,00	80 - 160 GB	€ 10,00
	€ 18,00	160 - 250GB	€ 12,00
	€ 22,50	250 - 400 GB	€ 15,00
Additional info - Levy on the integrated memory, not on the device. - In negotiation: • MP3 Player / Digital Jukebox: (> 60 GB) • DVD / Sat Harddisk recorder (> 400 GB) • USB Sticks			

4. BELGIUM

CONTACT INFORMATION

Population : 10.584.534
Organisation : Auvibel
Internet : www.auvibel.be
Email : info@auvibel.be
Phone : +32 265 009 50
Fax : +32 265 009 58
Address : Havenlaan 86c B 201a/ Avenue du Port, 86c B 201a, 1000 Brussels

LEGISLATION AND FUNDAMENTALS

Legal basis :
1. Law of 30 June 1994 concerning author's rights and neighbouring rights
2. Royal Decree of 28 March 1996 concerning the right recompense for private copying for the authors/composers, performing artists and producers of phonograms and audiovisual works.

Collecting society : Auvibel

Legal status :
Legal monopoly. Royal Decree of 21 January 1997 charging Auvibel with the collection and distribution of the levies for private copying.

Liable party :
1. Manufacturer
2. Importer
3. Intra EU-purchaser

Obligation to report : Yes

Liability moment :
- For the manufacturer, the importer and the intra EU-purchaser who are listed as wholesalers upon first sale.
- For the importer and the EU-purchaser who are listed as retailer upon first purchase.
- For the foreign webshops selling to Belgian end-users upon first sale.

Cooperation customs : No

Export refund :
The legal base is article 4 of the Royal Decree of 28 March 1996. It concerns the export as well as the sales to another country of the European Union.
Mandatory documents are the copies of the purchases and sales invoices of the liable goods of the companies which is asking for reimbursement of the fee and every document that provides a reasonable proof that the goods are effectively exported or delivered within the EU.

Legal penalty for omission : Yes, legal penalty

The stipulations of Chapter XI of the Belgian law of 3 July 1969 concerning the introduction of legislation on Value Added Tax are applicable to infringements of the provisions of chapters IV to VI and to infringements of their implementing orders, whereby the term "tax" is replaced by "levy". Art. 70 § 1 of the VAT legislation: "For each infringement of the obligation to make settlement, a fine will be imposed, equal to double the levy that has been evaded or not paid in time."

Control of obligated parties :
Part of Auvibel's remit is to undertake regular checks on the declarations by checking the accounting of the companies

Who sets the levies? Legislator

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
Distribution schemes are stated by Law:
- 33,33% - Authors
- 33,33% - Performers
- 33,33% - Producers

Audio scheme :
Distribution among rightsholders (authors, performers and producers).
- for 2005: 40,79%
- for 2006: 40,88%
- for 2007: 40,01%
- for 2008: not yet available

Video scheme :
Distribution among rightsholders (authors, performers and producers).
- for 2005: 59,21%
- for 2006: 59,12%
- for 2007: 59,99%
- for 2008: not yet available

Collective purposes : No

Observations :
1. Tariff negotiations in final phase (February 2009): new tariffs are expected to be applicable as of mid 2009 on new devices and media such as memory cards, USB sticks, MP3 players, external harddisk
2. The Law of 22 May 2005, transposing the European Directive "Information Society" into Belgian Law, is still missing its Royal decrees. These are expected in 2009
3. Market study new devices and media under construction

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	€ 0,10	per 60 minutes
Minidisc	€ 0,23	per 60 minutes
Hi-MD	€ 0,23	per 60 minutes
Audio-cd r/rw	€ 0,23	per 60 minutes
Data-cd r/rw	€ 0,12	per disc
Additional info Data cd-r/rw: not specific audio tariff, it's shared with video		

Video levies		
	Levy	Capacity
Videocassette	€ 0,10	per 60 minutes
DVD+ r/rw	€ 0,59	per disc
DVD- r/rw	€ 0,59	per disc
DVD ram	€ 0,59	per disc
DVD double-layer	€ 0,59	per disc
Digital video tape	€ 0,1239	per 60 minutes
Additional info - DVD: not specific video tariff, it's shared with audio - DVD-R-CAM, DVD-RAM CAM and DVD for authoring are not submitted		

Devices levies	
	Levy
CD recorder (external)	3%
DVD recorder (external)	3%
DVD hard disk recorder	3%
Blu-Ray recorder (external)	3%
HD-DVD recorder (external)	3%
Hifi tape recorder	3%
TV with recorder	1,5%
All stand-alone devices	3%
All combined devices	1,5%

Additional info

- The levy on computers and components is 0 %
- The levy of 3% or 1,5% will be calculated based on purchasing price multiplied by factor 1,2 for importers and intra EU-purchasers who are listed as retailers.
- For manufacturers and importers/intra EU-purchasers who are listed as wholesalers the levy of 3% or 1,5% will be calculated based on the selling price.

5. CANADA

CONTACT INFORMATION

Population	: 33.594.260	**Currency:** € 1 = CAD 1,59
Organisation	: Canadian Private Copying Collective	
Internet	: www.cpcc.ca	
Email	: abucci@cpcc.ca	
Phone	: +1 416 486 6832	
Fax	: +1 416 486 3064	
Address	: 150 Eglinton Avenue East, Suite 403, Toronto, Ontario, M4P 1E8	

LEGISLATION AND FUNDAMENTALS

Legal basis : Copyright Act of Canada

Collecting society : Canadian Private Copying Collective

Legal status :
The CPCC is designated as the collecting body by the Copyright Board of Canada pursuant to paragraph 83(8)(d) of the Copyright Act.

Liable party : Manufacturers and Importers of blank audio recording media.

Obligation to report : Yes

Liability moment :
Upon first sale or disposition in Canada, of blank audio recording media, imported into Canada or manufactured in Canada.

Cooperation customs : No

Export refund : No levy is payable if blank audio recording media is exported.

Legal penalty for omission : Yes, legal penalty

In the event a manufacturer or importer fails to pay levies or to comply with its obligations under Part VIII of the Copyright Act, the CPCC is entitled, under section 88 of the Act, to institute proceedings before a court of competent jurisdiction, including the Federal Court of Canada, to recover the unpaid levies or to obtain compliance.
Moreover, subsection 88(2) of the Copyright Act provides that a manufacturer or importer who fails to pay levies may be ordered to pay an amount not exceeding five times the amount of the levies owed.
Before making such an order, the Court must take into account whether the person acted in good faith or bad faith, the conduct of the parties before and during the proceedings, and the need to deter persons from failing to pay the levies.

Control of obligated parties :
Pursuant to section 9 of the private copying tariffs, manufacturers and importers are required to keep records for a period of six years and the CPCC may audit these records at any time on reasonable notice and during business hours.

Who sets the levies? Copyright Board of Canada

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
The Copyright Board of Canada sets the distribution schemes after considering evidence submitted by the CPCC at Tariff hearings.

Audio scheme :
- 60.1% - SOCAN (Composers, Authors and Music Publishers), CMRRA (Publishers) and SODRAC (Authors, Composers and Publishers)
- 22.6% - NRCC (Eligible Performers)
- 17.3 % -NRCC (Eligible Makers)

The CPCC's constituent member collectives submit claims to the CPCC for the rightsholders that they represent. The CPCC distributes the levies in accordance with the CPCC's distribution policy.

Collective purposes : Yes
In 2008, the CPCC retained 5.8% of revenue for expenses.

Observations :
The CPCC is a non-profit corporation that represents songwriters, recording artists, music publishers and record companies through its member collectives. The CPCC only withholds those funds necessary to defray its costs of administration.

Media sold to purchasers with a perceptual disability are exempt.

Companies may register in the CPCC's Zero-rating program. The program allows levy-free purchases for organizations such as educational institutions, broadcasters, law enforcement agencies, advertising agencies, the music- film and video industries, courts, tribunals and court reporters, religious organizations, telemarketing firms, software companies, duplication facilities, medical institutions, technology companies, conference and training companies, governments and other firms duplicating audio and data for business use.

On December 5th 2008 the Copyright Board certified the 2008-2009 Private Copying Tariff increasing the levies on all CD-R media and MiniDiscs from $0,21 per unit to $0,29. The levy on audio cassettes remained unchanged at $0,24. The CPCC commenced collecting levies at the new rates as of December 6th 2008, but did not collect the increase in the levy rate retroactively to January 1st 2008.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	€ 0,15	≥ 40 minutes (per unit)
Minidisc	€ 0,18	Per unit
Audio-cd r/rw	€ 0,18	Per unit
Data-cd r/rw	€ 0,18	≥ 100 MB (per unit)

6. CROATIA

CONTACT INFORMATION

Population : 4.437.460 **Currency:** € 1 = HRK 7,37
Organisation : HDS - Croatian Composers Society
Internet : www.hds.hr
Email : zamp@hds.hr
Phone : +38 516 387 000
Fax : +38 516 387 001
Address : Heinzelova 62a, 10000 Zagreb

LEGISLATION AND FUNDAMENTALS

Legal basis :
Provisions of the articles 32 and 82 of the Croatian Copyright Law (Zakon o autorskom pravu i srodnim pravima, Official Gazeta Narodne novine nr. 167/03)

Collecting society :
HDS ZAMP for music authors, but also for other right holders, according to the contracts with the relevant societies
ZAPRAF (phonograph producers)
HUZIP (music performers)
DHFR (movie directors and scriptwriters, movie producers & other movie co-authors)
ZANA (publishers for literar works)

Legal status :
HDS ZAMP is in charge for the collective administration of music author's rights in Croatia. We have legal monopoly for collecting rights.

Liable party : Importers and producers of blank media or reproduction devices

Obligation to report :
Yes, they have to report either import or number of sold items. At the moment we have no registered manufacturers in Croatia

Liability moment : Upon distribution to local market or if they insist upon import.

Cooperation customs : Yes

Export refund : No need for refunding - export is excluded from charging.

Legal penalty for omission : Yes, legal penalty

Several firms (at the moment 15) are refusing to report. We raised the suits aginst them at the Commercial Court. Importers are not end users nor distributors of works, so there is no legal basis for their criminal responsibility.

Control of obligated parties :
Quarterly reports from Custom services and if needed control insight importer's business books.

Who sets the levies?
According to the Copyright Law Act the above mentioned societies of right owners are entitled to set the height of remuneration, but they usually do it after the negotiations with the users or, in this case, other obligated parties.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
Distribution scheme is set depending on the agreed share of the audio and video component in each product.

Audio scheme :
- 39,67% HDS (music authors)
- 29,67% HUZIP (performers and phonogram producers)
- 29,67% ZAPRAF (phonogram producers)
- 1% ZANA (publishers of literar works)

Video scheme :
- 70% DHFR (movie co-authors and movie producers)
- 30% (performers)

Interactive scheme : No

Other : This year we expect the photographers, to join the right owners already in BTL system

Collective purposes : Yes
30% for social and cultural aims.

Observations :
The situation in Croatia is currently OK - all the importers willing to pay the levy (up to 95% of the importers have the appropriate agreements). The rest of them are processed to court.

Year 2006. will be payed in quartal rates, by the end of the year 2011. Because the agreement between Croatian Authors Society (HDS) and Croatian Chamber of Commerce (HGK) was concluded at the beginning of the year 2007, with specification that the year 2006 will be also collected.

The levies in year 2008 mostly didn't increase, they stayed on amounts for year 2007. Now in year 2009. we have request from importers that the levies stay on amounts of year 2007. because of the global economic crise.

LEVIES

Audio levies			
	Levy	Capacity	Discount
Audiocassette	€ 0,01	per unit	15% for the regular payment and up to 35% more for the members of the importers societies depending on the market share
Audio-cd r/rw	€ 0,01	<1GB	
Data-cd r/rw	€ 0,01	<1GB	
Additional info Carriers exempted: Carriers not suitable for copyright protected audio or A/V content (floppy disc, answering machine tape etc.), XD picture card			

Video levies			
	Levy	Capacity	Discount
Videocassette	€ 0,08	per unit	15% for the regular payment and up to 35% more for the members of the importers societies depending on the market share
DVD+ r/rw	€ 0,01	per unit/<10 GB	
DVD- r/rw	€ 0,01	per unit/<10 GB	
DVD ram	€ 0,01	per unit/<10 GB	

Devices levies			
	Levy	Capacity	Discount
MP3 player	€ 1,92	per unit	15% for the regular payment and up to 35% more for the members of the importers societies depending on the market share
CD writer (internal)	€ 0,55	per unit	
CD recorder (external)	€ 2,75	per unit	
DVD writer (internal)	€ 0,55	per unit	
DVD recorder (external)	€ 4,12	per unit	
Computer hard disk	€ 0,27	per unit	
Memory Card	€ 0,55	<16 GB	
	€ 1,10	>16 GB	
USB Stick	€ 0,55	<16 GB	
	€ 1,10	>16 GB	
Analogue audio recorder	€ 0,82	per unit	
Analogue video recorder	€ 1,37	per unit	
PC-personal computer	€ 0,82	per unit	
Hi-fi HD recorder	€ 5,50	per unit	
Apple I-pod	€ 1,95	per unit	
Mobile phone with MP3-player function	€ 1.37	per unit	

7. CZECH REPUBLIC (OSA)

CONTACT INFORMATION

Population : 10.474.600 **Currency:** € 1 = CZK 28
Organisation : OSA (Society for the Protection of the Rights of Music Authors and Publishers)
Internet : www.osa.cz
Email : info@osa.cz
Phone : +420 220 315 111
Fax : +420 233 343 073
Address : Čs. armády 20, 160 56 Praha 6

LEGISLATION AND FUNDAMENTALS

Legal basis : Copyright law and Ministerial regulation.

Collecting society : OSA (OSA collects also on behalf of DILIA and OOA-S) and INTERGRAM

Legal status : Legal monopoly, regulated by Ministry of culture.

Liable party : Importers and local producers.

Obligation to report : Importers and local producers, based on Copyright law.

Liability moment : Upon import or production, report of import or production every half-year.

Cooperation customs : Yes

Export refund :
The companies do not have to pay the remuneration if they import the blank carriers or devices out of the Czech republic.

Legal penalty for omission : No legal penalty

Civil procedure against obliged party is possible.

Control of obligated parties :
Matching reports with data from intrastat (import from outside the EU) and extrastat (imports from within the EU).

Who sets the levies? The levies are setting by Ministery regulation.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
The schemes of distribution is setting by OSA, Dilia, OOA-S by their internal regulation.

Audio scheme :
- 100% - OSA´s distribution schemes is distributed to the rightholders according to mechanical revenues
- 75% - revenues from downloads
- 25% - revenues from the public performance

Video scheme :
- 100% - OSA´s distribution schemes is distributed to the rightholders according to mechanical revenues
- 75% - revenues from downloads
- 25% - revenues from the public performance

Collective purposes : Yes
OSA deducts 8% from collective levies to cover its costs.

Observations :
From second half of 2007 dividing remuneration between OSA and INTERGRAM was changed.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	€ 0,027	60 min.
Minidisc	€ 0,075	per unit
Hi-MD	€ 0,175	per unit
Audio-cd r/rw	€ 0,008	per unit
Data-cd r/rw	€ 0,008	per unit
Audiocassette	€ 0,036	> 60 min.
Audio cd rw	€ 0,038	per unit

Video levies		
	Levy	Capacity
Videocassette	€ 0,064	180 min.
DVD+ r/rw	€ 0,021	per unit
DVD- r/rw	€ 0,021	per unit
DVD ram	€ 0,021	per unit
DVD double-layer	€ 0,021	per unit
Blu-Ray	€ 0,105	per unit
HD-DVD	€ 0,105	per unit
DVD rw	€ 0,105	per unit

Devices levies			
	Levy	Capacity	Remarks
MP3 player	1,50%	Per unit	
CD writer (internal)	1,59%	Per unit	
CD recorder (external)	1,50%	Per unit	
DVD writer (internal)	1,74%	Per unit	
DVD recorder (external)	1,80%	Per unit	
DVD hard disk recorder	1,80%	Per unit	
Computer hard disk	1,74%	Per unit	
Blu-Ray writer (internal)	1,74%	Per unit	
Blu-Ray recorder (external)	1,80%	Per unit	
HD-DVD writer (internal)	1,74%	Per unit	
HD-DVD recorder (external)	1,80%	Per unit	
Memory Card	€ 0,113	per 512MB	regulation for 2008
USB Stick	€ 0,0286 (max € 1,703)	per 1 GB	regulation for 2009
External Har disk	€ 0,207	per 40 GB	regulation for 2008
	€ 0,0029/GB	< 1 TB	regulation for 2009
	€ 0,0023/GB	> 1 TB	regulation for 2009

Additional info

- Percentage of the import price (importers) or of the first sale price (manufacturers)
- From 1.1.2009 the Ministerial regulation changed the levies for the External HD and memory cards, USB sticks etc.

8. CZECH REPUBLIC (INTERGRAM)

CONTACT INFORMATION

Population : 10.474.600 **Currency:** € 1 = CZK 24,942
Organisation : INTERGRAM (Association of Producers and Performers)
Internet : www.intergram.cz
Email : intergram@intergram.cz
Phone : +420 222 311 392
Fax : +420 222 323 341
Address : Na Porici 27, 110 00 Prague 1

LEGISLATION AND FUNDAMENTALS

Legal basis :
Law Nr. 121/2000 Coll. as amanded.
The Copyright Act is implemented by Decree No. 488/2006 Coll. (Information in applied document with type of doc size 61 kb), stipulating types of devices for making copies, types of unrecorded media and the amount of lump-sum royalties.
The Decree was amended by novel No. 408/2008 Coll. with the date of effect 1-1-2009

Collecting society : INTERGRAM

Legal status :
Legal monopoly; civil association of rightsholders with authorization of the Ministry of Culture.

Liable party :
a) Producers of devices made for reproducing and recording, importers of such devices from third countries (hereinafter the "importer") of consignee of such devices from member states of the European Communities (hereinafter the "consignee");
b) Producers, importers and consignees of technical devices used for printing reproductions;
c) Producers, importers and consignees of blank record carriers;
d) the carrier or forwarder in lieu of the liable person pursuant to Paragraphs (a) to (c), unless that person informed the relevant collective rights manager without undue delay upon written request about the details necessary for the identification of the importer, consignee or producer;
e) the provider of paid reproduction services, in the case of printed reproductions; provider of paid reproduction services shall also mean the person who makes available, for a consideration, the device for making printed reproductions.

Obligation to report :
Reporting to the relevant collective rights manager - always in summary for half of the calendar year and not later than by the end of the following calendar month - information on the facts relevant for setting the amount of remuneration, including, but not limited to, information on the type ond number of the sold, imported or received devices for making reproductions or fixations, devices used for printing reproductions, and blank carriers, and also ot the total number of the printed reproductions made by the devices for providing paid reprodution services.

Liability moment :
The liable parties have to pay the levies according to the agreement between INTERGRAM and the liable party. The due date is 20th February for the second half-year and 20th August for the first half-year.

Cooperation customs : No

Export refund :
Remuneration shall not be paid for exports or resales. The liable parties pay only for goods sold in the Czech Republic territory.

Control of obligated parties :
The only control is the custom clearance statistics from the Czech Statistical Office. The author may require the customs authorities and the authorities responsible for the state statistical service to provide him with information on the content and extent of imports of receiving of a commodity that:
a) is a reproduction of his work or an audio, audiovisual or any other fixation of such work;
b) is intended to serve as a carrier for the making of such a reproduction (blank record carrier);
c) is a device for making audio or audiovisual or other fixations or printed copies; or
d) is a device, product or component defined in Article 43 (2);
and shall have access to the customs and statistical documents to the extent necessary to find out whether the import or receiving of such commodities for utilization in the entire territory of the Czech Republic is in compliance with this Act, o to learn details necessary for the enforcement of rights ensuing from this Act, o to learn the data needed for claiming the rights ensuing hereof.

Legal penalty for omission : No legal penalty

Who sets the levies? The levies are set by the law.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
The distribution schemes are set by the law.

Audio scheme :
Technical devices for the fixation of sound recordings and blank carriers used for sound recordings:
- 50% Authors
- 50% Performers and Producers (on a 50%-50% basis).

Video scheme :
Technical devices for the fixation of audio-visual recordings and blank carriers used for audiovisual recordings:
- 60% Authors (including, but not limited to, directors of audiovisual works, authors of literary, dramatic and musical - dramatical works, authors of musical works with and without test, camera operators, arichitects, set designers (scenographers), costume designers, art directors and authors of choreographic and pantomime works).
- 40% Performers and Producers of audiovisual fixations (split into 25% for the producers of audiovisual fixatons and 15% for performers).

Interactive scheme :
The distribution is set by the law (See Audio and Video scheme)

Collective purposes : No

Observations :
For radio and television sets enabling copying broadcasts, the remuneration will be 1,5% of the sale price of the devices.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	€ 0,06	< 60 min
	€ 0,08	> 60 min
Minidisc	€ 0,16	Per unit
CD-R	€ 0,02	Per unit
CD-RW	€ 0,08	Per unit
Memory cards, USB sticks	€ 0,24	Per 512 MB

Video levies		
	Levy	Capacity
Videocassette	€ 0,12	< 180 min
	€ 0,16	> 180 min
DVD recordable	€ 0,04	Per unit
DVD rewritable	€ 0,2	Per unit
HDD not embeddable in personal computers	€ 0,4	Per 40 GB

Devices levies		
	Levy	Capacity
MP3 player	3%	per unit
CD writer (internal)	3%	per unit
CD recorder (external)	3%	per unit
DVD writer (internal)	3%	per unit
DVD recorder (external)	3%	per unit
DVD hard disk recorder	3%	per unit
Computer hard disk	3%	per unit
Blu-Ray writer (internal)	3%	per unit
Blu-Ray recorder (external)	3%	per unit
HD-DVD writer (internal)	3%	per unit
HD-DVD recorder (external)	3%	per unit
Memory Card	€ 0,24	per 512 MB
USB Stick	€ 0,24	per 512 MB
Additional info Tariff is percentage of the sale price. Devices are charged whether or not used for image or sound recording only or a combination of different types of recordings		

9. DENMARK

CONTACT INFORMATION

Population	: 5.511.451	**Currency:** € 1 = DKK 7,45
Organisation	: Copydan Båndkopi	
Internet	: www.copydan.dk	
Email	: baandcopi@copydan.dk	
Phone	: +45 354 414 00	
Fax	: +45 354 414 14	
Address	: Østerfælled Torv 10, 2100 Copenhagen	

LEGISLATION AND FUNDAMENTALS

Legal basis :
Consolidated Act on Copyright no. 763 of June 30th 2006 & Ordinance no. 731 of June 27th 2006. Application of the Copyright Act in respect of other countries.

Collecting society : Copydan Båndkopi

Legal status :
Legal monopoly, upon authorization of Ministry of Culture. Obligation to provide Ministry with all information requested.

Liable party : Manufacturer or importer

Obligation to report : The parties have an obligation to report their sales.

Liability moment :
Retailers are obliged to disclose the name of the party delivering the blank media.

Cooperation customs : No

Export refund : Upon presentation of export documentation the levies are refunded.

Legal penalty for omission : Yes, legal penalty

Prosecution

Control of obligated parties :
Copydan Båndkopi may choose an external publicly authorized accountant or an administrative employee within the organization who has an undisputed right to make both announced and unannounced control visits. When making a control visit the accountant or administrative employee has the right to examine any accounting material which is believed to have any value in relation to undertaking the control.

Who sets the levies? The legislator sets the levies

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
The rightholders agree on the distribution scheme set by Legislator.

Audio scheme :
33,33% - Authors
33,33% - Performers
33,33% - Producers

Video scheme :
33,33% - Authors
33,33% - Performers
33,33% - Producers

Collective purposes : Yes
Law states that 33% of the collected levies should be used for cultural purposes.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	€ 0,53	Per hour
Minidisc	€ 0,28	Per unit
Hi-MD	€ 0,28	Per unit
Audio-cd r/rw	€ 0,28	Per unit
Data-cd r/rw	€ 0,28	Per unit

Video levies		
	Levy	Capacity
Videocassette	€ 0,73	Per hour
DVD+ r/rw	€ 0,44	Per unit
DVD- r/rw	€ 0,44	Per unit
DVD double-layer	€ 0,44	Per unit
Blu-Ray	€ 0,44	Per unit
HD-DVD	€ 0,44	Per unit

Devices levies		
	Levy	Capacity
Memory Card	€ 0,62	Per unit
USB Stick	€ 0,62	Per unit

10. ESTONIA

CONTACT INFORMATION

Population : 1.340.300 **Currency:** € 1 = EEK 15,65
Organisation : Estonian Authorś Society
Internet : www.eau.org
Email : eau@eau.org
Phone : +37 266 843 60
Fax : +37 266 843 61
Address : Lille 13, 10614-Tallinn, Estonia

LEGISLATION AND FUNDAMENTALS

Legal basis : Copyright Law. Ministerial Regulation No. 14 (17 January 2006)

Collecting society : Estonian Author´s Society (EAU)

Legal status : Appointed by Ministry of Culture

Liable party : Manufacturers and Importers of blank recordable media and recording devices.

Obligation to report : Legal obligation to report

Liability moment : Upon distribution to local market

Cooperation customs : No

Export refund :
The remuneration shall be repaid on the storage media and recording devices exported or transported from Estonia into the Community customs territory

Legal penalty for omission : Yes, legal penalty

Control of obligated parties :
- EAU has the right to obtain necessary information from customs authorities and statistical organisations and manufacturing and importing organisations and sellers.
- Importers can be controlled by acountants.
- Visits to firms and shops.

Who sets the levies? Copyright Law (§27.7)

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
The remuneration shall be distributed on the basis of a distribution plan for the preparation of which the Minister of Culture shall appoint a committee every year, which is proportionally comprised of collective management organisations representing the authors, performers and producers of phonograms and a representative of the Ministry of Culture

Audio scheme :
33,33%- Authors
33,33%-Performers
33,33%-Phonogram producers

Video scheme :
63%- Authors
27%-Performers
10%-Phonogram producers

Collective purposes : Yes
Remuneration may also be paid to organisations for the development of music and film culture and in order to finance educational and research programmes or for use thereof for other similar purposes, but only in an amount not exceeding 10% of the remuneration.

Observations : 2007, market study on the copying of audiovisual recordings.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	8%	Per unit
Minidisc	8%	Per unit
Audio-cd r/rw	8%	Per unit
Data-cd r/rw	8%	Per unit
Additional info All tariffs are percentages of the manufacturer's price or the import price.		

Video levies		
	Levy	Capacity
Videocassette	8%	Per unit
DVD+ r/rw	8%	Per unit
DVD- r/rw	8%	Per unit
Additional info All tariffs are percentages of the manufacturer's price or the import price.		

Devices levies		
	Levy	Capacity
CD recorder (external)	3%	Per unit
DVD recorder (external)	3%	Per unit
audio cassette, CD-R/cd/RW recording devices(external)	3%	Per unit
VHS and DVD recording devices(external)	3%	Per unit
Additional info All tariffs are percentages of the manufacturer's price or the import price.		

11. FINLAND

CONTACT INFORMATION

Population : 5.331.099
Organisation : Teosto
Internet : www.hyvitysmaksu.fi
Email : ano.sirppiniemi@teosto.fi
Phone : +35 896 810 287
Fax : +35 896 927 683
Address : Lauttasaarentie 1, 00200 Helsinki, Finland

LEGISLATION AND FUNDAMENTALS

Legal basis :
Amendments 442 (1984), 34 (1991), 1254 (1994), 663 (2008) of the Copyright Act 404 (1961), the Copyright Decree 574 (1995) and a decree given by the ministry of Education.
The Copyright Act was revised with the amendment 821 (2005). The new provisions concerning private copying remuneration became active on January 1st 2007.

Collecting society : Teosto

Legal status : Association approved by Ministry of Education for a period of max 5 years.

Liable party :
The manufacturer or the importer. The retailer must pay the remuneration in case the importer or the manufacturer fails to do so. However, the retailer may claim for a repayment from the importer or the manufacturer.

Upfront exemption of professional users:
When a user, who has the right for refund concludes an agreement with the collecting organization
• The collecting organization maintains a list of contract sellers/buyers

Simplifies the refund system:
• A seller is able to sell products without the private copying remuneration to users who have been exempted from the remuneration
• A user exempted from the remuneration is entitled to buy products from a contract seller without having to pay the remuneration

Obligation to report :
Legal obligation for importers/manufacturers to report to Teosto.
Dealers/retailers are legally obliged to report when requested by Teosto.

Liability moment :
Upon import, when products leave the site of the manufacturer and upon distribution to the local market.

Cooperation customs : Yes

Export refund :
Refund is stipulated in the law and we have a refund system in practice. The purpose of the private copying remuneration is to compensate the private copying of works. Accordingly, in certain situations the remuneration will not be applied. These situations are defined in paragraph (§26) of the Copyright Act.
The Copyright Act provides an exemption from the private copying remuneration when the products are:
- exported
- used to store material that is protected by the Copyright Act if the copy is made for professional use, teaching or scientific purposes
- used to store material for disabled persons
- used as memory or storage devices in professional data processing (for example, all digital storing of data that is part of normal business practices).

If the private copy remuneration is paid for a product that will be exported, the exporter can apply for refund by filling in the form "application for refund". A copy of purchase invoice and an export document needs to be enclosed with the application.

Clients of the Private Copying Unit that import products and partly sell them in Finland to retailers, partly export them can report the products they have exported in their monthly report. They don't need to fill in an application for refund.

Legal penalty for omission : Yes, legal penalty

Any person who willfully or through gross negligence violates the obligation to provide the information necessary for collective purposes shall be sentenced to pay a fine (Copyright Act, Art. 56d, 26d and 26k).

A more severe punishment may apply, if provided elsewhere by law. A conditional penalty is another measure that can be used. The State Provincial Office may, at the request of the private copying collecting organisation, order the manufacturer/importer/reseller to fulfill his obligation to provide information under the penalty of a fine (Art. 26d).

Control of obligated parties :
There are two ways to report: monthly (based on an agreement) or batch-by-batch.
The control is based on regional monitoring and on evaluating the import- and sales reports. Representatives of Teosto monitor regionally. They visit the resellers to find out whether the products subject to the remuneration has been paid or not.
According to the Copyright Law resellers have a duty to provide necessary information. Usually the invoices are used to determine the origin of the products. Regional monitoring has an enormous importance and in addition to its monitoring function it is also a very important way to inform the resellers about the private copying remuneration. In order to make sure that the reports are correct the companies are regularly visited.
In addition, the State Provincial office has the right to conduct an investigation on the premises of a party liable to pay the remuneration.

Who sets the levies?
The Government annually sets the level of the remuneration and the scope of the remuneration. Before the decision negotiations with manufacturers, importers and organisations representing authors are held by the Ministry of Education who then presents the matter to the Government. The Ministry of Trade and the Ministry of Transport give their opinion on the matter to the Ministry of Education.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
The organisation that collects the private copying remuneration compiles information regarding collections and refunds into an annual report for the Ministry of Education.
The Ministry of Education then decides how the funds are distributed to qualifying organisations.
The collected funds are partly distributed to individual rightholders partly for collective purposes of rightholders

Audio scheme :
65 % individual rightholders via copyright society:

- 51 % - Gramex (phonogram producers and performers)
- 44 % - Teosto (musical authors)
- 5 % - Kopiosto (other authors)

Video scheme :
50% individual rightholders:

- 69,4% - Kopiosto (other authors)
- 11,4% - teosto (musical authors)
- 11% - Tuotos (film producers)
- 8,2% - Gramex (phonogram producers and performers)

Interactive scheme : Scheme annually decided by the Ministry of Education

Collective purposes : Yes

Audio 35% collective purposes; video 50% to collective purposes. The funds that are collected for collective purposes are distributed to promote movie and music culture, audiovisual culture and other arts.

Observations :
The negotiations have been traditionally held in December. Teosto has invited a group of interested parties, such as importers, resellers and rightsholders, to an informal group to discuss issues relating to the level and scope of the remuneration. This group meets quarterly. The Finnish Copyright Act expressively states that the remuneration should be based on the available research data. One of the main goals of the informal body is to provide this information.

In the scope of the compensation can be audio or video carrier manufactured or imported to be distributed to the general public or other equipment that enables the reproduction of a work and which is to a significant extent used to make copies for private use.

Research on digital private copying has been conducted since 1999.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	€ 0,30	per 60 min
Minidisc	€ 0,20	< 1 GB
Hi-MD	€ 0,20	< 1 GB
Audio-cd r/rw	€ 0,20	per 80 min
Data-cd r/rw	€ 0,20	< 1 GB

Video levies		
	Levy	Capacity
Videocassette	€ 1,37	per 180 min
DVD+ r/rw	€ 0,60	per 4,7 GB
DVD- r/rw	€ 0,60	per 4,7 GB
DVD ram	€ 0,60	per 4,7 GB
DVD double-layer	€ 0,60	per 4,7 GB
Blu-Ray	€ 1,80	> 25 GB
HD-DVD	€ 1,80	> 25 GB
Additional info • DVD: tariff is for units with capacity of over 1 GB (max 10 GB). • There is no remuneration on 8 cm discs.		

Devices levies		
	Levy	Capacity
D igital recorders with integrated storage capacity (for example mp3-recorders and set-top boxes with hard discs)	€ 4,00	< 512 MB
	€ 7,00	512 – max 1 GB
	€ 10,00	1 GB – max 20 GB
	€ 12,00	20 GB – max 50 GB
	€ 15,00	50 GB – max 150 GB
	€ 18,00	150 GB – max 250 GB
	€ 21,00	> 250 GB
Additional info There is no private copying remuneration on mobile phones, computers, USB-sticks or external hard disks.		

12. FRANCE

CONTACT INFORMATION

Population : 63.937.000
Organisation : SORECOP / COPIE FRANCE
Internet : www.sorecop.fr / www.copiefrance.fr
Email : charles.henri.lonjon@sacem.fr
Phone : +33 1 47 15 87 53
Fax : +33 1 47 15 87 99
Address : 225 avenue charles de gaulle 92200 neuilly sur seine France

LEGISLATION AND FUNDAMENTALS

Legal basis : Intellectual property code (articles L 311-1 to L 311-8)

Collecting society :
SORECOP for audio devices and COPIE FRANCE for video devices, hybrid devices being invoiced and collected by SORECOP or COPIE FRANCE, on behalf of the two societies, according to an agreement between them.

Legal status :
No legal monopoly. Societies are obliged to be constituted according to specific provisions of the Intellectual Propoerty Code regarding collecting rights societies..

Liable party : Manufacturer, importer or intracommunautairy acquiring person

Obligation to report :
To the Ministry of Culture and control is made by a national accounting administrative commission.

Liability moment : Upon distribution to local market.

Cooperation customs : No

Export refund :
Yes, when distributors/retailers export the levied products bought in France, they must pass to SORECOP or COPIE FRANCE a proof that the levied product has been exported and that the remuneration has been paid by its supplier.
SORECOP and COPIE FRANCE check that the remuneration has been paid to them by the supplier, then refund to the latter the sums involved, informing the exporting society that its supplier has to refund him in return.

Legal penalty for omission : Yes, legal penalty

According to the Article L335-4 of the Intellectual Property Code, failure to pay the remuneration due to the author, the performer or the phonogram or videogram producer as a private copying or a public communication or of the broadcasting of phonograms shall be subjected to a fine of € 300.000.

Control of obligated parties :
The control is aimed at accounting control and movements of stocks, under the supervision of a Court judge.
In parralel, SORECOP & COPIE FRANCE check the economic and technological state of the market related to levied products.

SORECOP/COPIE FRANCE employ personnel in charge of anti piracy investigations carrying out field investigations, which leads to court cases and help the police officers in their investigations.

Who sets the levies?
The tariffs are set up by a specific administrative commission composed of 24 members:
12 are representatives of right holders organisations, 6 of manufacturers and importers and 6 of consumers' organizations.
A President, with a specific voting power, represents the State and the "general interest".

Decisions are discussed on a contradictory process, then voted and officially issued

Decision of Dec 11th 2007 is the one and only decision applicable, which covers all tariffs for all carriers/devices submitted to the levy in France.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
There is a 2 steps system.

1) A first splitting key is applied to hybrid carriers in order to share the amount collected between audio, video, written works and visual arts remunerations .

2) The French law (article L. 311-7 of the Intellectual Property Code) provides that the amounts collected for each of these shares must be split according to the following keys:

For audio private remuneration:
- 50% to authors organisations
- 25% to performers organisations
- 25% to phonogram producers organisations

For audiovisual private remuneration:
- 1/3 to authors organisations
- 1/3 to performers organisations
- 1/3 to videogram producers organisations

For remuneration belonging to written works and visual arts :
- 50% authors
- 50% publishers

Collective purposes : Yes

25% of collections according to the law -Aimed at cultural purposes as specified in the Intellectual Property Code - art. L 121-9.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	€ 28,51	100 hrs
Minidisc	€ 45,73	100 hrs
Audio-cd r/rw	€ 45,73	100 hrs
Data-cd r/rw	€ 0,35	700 MB
Micro floppy discs	€ 0,015	1,44 MB

Video levies		
	Levy	Capacity
Videocassette	€ 42,84	100 hrs
DVD+ r/rw	€ 1,00	4,7 GB
DVD- r/rw	€ 1,00	4,7 GB
DVD ram	€ 1,00	4,7 GB
DVHS	€ 125,77	100 hrs

Devices levies			
	Levy	Capacity	Remarks
Memory Card	€ 0,144/GB	< 512 MB	Tariff per GB: (€/GB)
	€ 0,090/GB	512 MB - 2 GB	
	€ 0,072/GB	2-5 GB	
	€ 0,062/GB	5-10 GB	
	€ 0,059/GB	10-16 GB	
USB Key	€ 0,300/GB	< 512 MB	
	€ 0,225/GB	512 MB - 1 GB	
	€ 0,180/GB	1-2 GB	
	€ 0,144/GB	2-5 GB	
	€ 0,130/GB	5-10 GB	
	€ 0,125/GB	10-16 GB	
Standard external Hard Disk *(only external hard disks used directly and solely with a PC, without any additional device or equipment except connection and power wires.)*	€ 0,0597/GB	< 80 GB	
	€ 0,0507/GB	80-120 GB	
	€ 0,0403/GB	120-160 GB	
	€ 0,0333/GB	160-200 GB	
	€ 0,0272/GB	200-320 GB	
	€ 0,0237/GB	320-400 GB	
	€ 0,0200/GB	400-1000 GB	
Multimedia external Hard Disk with Audio/Video OUT plugs *(allowing the display of audio/video content on a TV or a HiFi device)*	€ 7,00	< 80 GB	Decision of December 11th 2007 (applicable since February 1st 2008)
	€ 10,00	80-120 GB	
	€ 12,00	120-160 GB	
	€ 15,50	160-250 GB	
	€ 20,00	250-400 GB	
	€ 23,00	400-560 GB	
Multimedia external Hard disk with IN & OUT Audio or Video plugs *(allowing the recording of audio & video content from a TV or a HiFi device & the display of audio/or video content on a TV or a HiFi device)*	€ 5,00	< 1 GB	
	€ 6,00	1-5 GB	
	€ 7,00	5-10 GB	
	€ 8,00	10-20 GB	
	€ 10,00	20-40 GB	
	€ 15,00	40-80 GB	
	€ 20,00	80-120 GB	
	€ 25,00	120-160 GB	
	€ 35,00	160-250 GB	
	€ 45,00	250-400 GB	
	€ 50,00	400-560 GB	
Memory or Hard Disk inserted into an audio Walkman (MP3 music player) or HiFi devices *(Integrated Memory)*	€ 1,00	< 128 MB	
	€ 2,00	128-256 MB	
	€ 3,00	256-384 MB	
	€ 4,00	384-512 MB	
	€ 5,00	512 MB - 1 GB	
	€ 8,00	1-5 GB	
	€ 10,00	5-10 GB	
	€ 12,00	10-15 GB	
	€ 15,00	15-20 GB	
	€ 20,00	20-40 GB	

Hard Disk inserted into a video recorder, a decoder or a TV set	€ 10,00	< 40 GB	Decision of December 11th 2007 (applicable since February 1st 2008)
	€ 15,00	40-80 GB	
	€ 20,00	80-120 GB	
	€ 25,00	120-160 GB	
	€ 35,00	160-250 GB	
	€ 45,00	250-400 GB	
	€ 50,00	400-560 GB	
Memory or Hard Disk inserted into a multimedia (audio and video) walkman or other multimedia devices (audio and video)	€ 5,00	< 1 GB	
	€ 6,00	1-5 GB	
	€ 7,00	5-10 GB	
	€ 8,00	10-20 GB	
	€ 10,00	20-40 GB	
	€ 15,00	40-80 GB	
	€ 20,00	80-120 GB	
	€ 25,00	120-160 GB	
	€ 35,00	160-250 GB	
	€ 45,00	250-400 GB	
	€ 50,00	400-560 GB	
Memory or hard disc inserted in mobile phones *(allowing the display of song and/or video)*	€ 0,09	< 128 MB	
	€ 0,35	128-512 MB	
	€ 0,70	512 MB - 1 GB	
	€ 1,40	1-2 GB	
	€ 3,50	2-5 GB	
	€ 5,60	5-8 GB	
	€ 7,00	8-10 GB	
	€ 8,00	10-20 GB	
	€ 10,00	20-40 GB	
	€ 15,00	40-80 GB	
	€ 20,00	80-120 GB	
	€ 25,00	120-160 GB	
	€ 35,00	160-250 GB	
	€ 45,00	250-400 GB	
	€ 50,00	400-560GB	

Additional info

External HD with one of the following features are not subjected to remuneration :

- HD which can run with 3 operating systems at the same time.
- HD which can be solely used in a professional technical context, i.e. running only with additional equipments such as rack, server, or others.

13. GERMANY

CONTACT INFORMATION

Population : 82.062.200
Organisation : ZPÜ
Internet : www.gema.de/zpue
Email : zpue@gema.de
Phone : +49 89 48003 0
Fax : +49 89 48003 290
Address : ZPÜ, Rosenheimer Str. 11, 81667 München

LEGISLATION AND FUNDAMENTALS

Legal basis :
Copyright Act from 9/9/1965, amended on 24/06/1985; further amendments in 1990, 1994, 1995, 1998 and 2003. Latest revision 1/1/2008 with new Regulations for private copying remunerations.

Collecting society :
ZPÜ - Zentralstelle für private Überspielungsrechte; founded in 1963 by GEMA, GVL & VG Wort. On 1/1/1988 five film collecting societies joined the ZPÜ as partners. Managing partner is GEMA.

Legal status :
No legal monopoly. Authorities (Deutsches Patent- und Markenamt) control operations via control over organisations of rightowners.

Liable party :
Manufacturer or importer.
Extended: Reseller is also liable. Extended liability is repealed either when objects were bought from an importer or manufacturer with a ZPÜ-General-Agreement or when these purchases were reported properly to ZPÜ. Reporting must be done by the 10th of January and the 10th of July in writing over the precending half year.

Obligation to report :
Legal obligation for importer.
Manufacturers, dealers and retailers are legally bound to provide information upon request.

Liability moment : Upon distribution to local market.

Cooperation customs : No

Export refund :
§ 54 II UrhG. In the case of export the entitlement to remuneration is applicable. ZPÜ does not refund to dealers or consumers. ZPÜ does only refund already paid remunerations to the original manufactorer or importer who has paid the levy to ZPÜ. A German dealer or distributor who bought the goods from a German source, can claim back the remunerations from the source - the German manufactorer or importer.

Legal penalty for omission : Yes, legal penalty
§ 54 e II UrhG, § 54 f III UrhG. In case of neglecting the obligation to report, ZPÜ can lodge a claim on doubled remunerations.

Control of obligated parties :
Importers and manufactorers could be testified by acountants in case of reasonable doubts concerning correctness of reports.

Who sets the levies?
Levies are set by ZPÜ as a result of negotiations between ZPÜ and associations of manufactorers and Importers

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
ZPÜ does not distribute directly to rightholders. ZPÜ distributes only to partners. Rightholders are members of ZPÜ-partners. Distribution to rightholders is an obligation of the partners. Distribution from ZPÜ to partners takes place 5 times a year.

Audio scheme :
- 42% GEMA
- 42% GVL
- 16% VG WORT

Video scheme :
- 21% GEMA
- 21% GVL
- 8% VG WORT
- 50% by 5 film organisations

Collective purposes : No

Observations :
New Copyright regulations are in force since 1/1/2008.

Negotiations between ZPÜ and associations of manufactorers and importers are still without result.

ZPÜ and industry associations BITKOM e.V. (digital communication equipment) / ZVEI e.V. (consumer electronics) and IM (blank tapes) appeal to Arbitration Court at German Trademark and Patent Office to set new tariffs.

According to a legal temporary regulation the previous remunerations and tariffs are applicable until the conclusion of new contracts with industry associations, but not longer than until 31/12/2009. Parts of the industy deny an obligation to pay previous remunerations.

Arbitration Court Decision Oct. 2008 (according to regulations valid until 31/12/2007!)
Decision about remunerations for mobile phones: € 2,56 per piece

OLG Munich (Higher Regional Court) (according to regulations valid until 31/12/2007!)
Decision about remunerations for PCs is expected in Winter-Spring 2009/2010
ZPÜ had to appeal because industry did not accept the Decision of the Arbitration Court from Sept. 2007 (€ 15,00 per PC).

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	€ 0,0614	Per 60 minutes
Minidisc	€ 0,08	Per 80 minutes
Hi-MD	€ 0,0614	Per 60 minutes
Audio-cd r/rw	€ 0,08	Per 80 minutes
Data-cd r/rw	€ 0,0288	Per 80 minutes / 700 MB
Additional info No discounts because contracts are cancelled.		

Video levies		
	Levy	Capacity
Videocassette	€ 0,261	Per 180 minutes
DVD+ r/rw	€ 0,174	Per 240 minutes / 4,7 GB
DVD- r/rw		
DVD ram		
DVD double-layer	Negotiations	
Blu-Ray		
HD-DVD		
Additional info No discounts because contracts are cancelled.		

Devices levies		
	Levy	Capacity
MP3 player	€ 2,56	Per piece
CD writer (internal)	€ 7,50	Per piece
CD recorder (external)	€ 1,28	Per piece
DVD writer (internal)	€ 9,21	Per piece
DVD recorder (external)	€ 9,21	Per piece
DVD harddisk recorder	€ 12,00	Per piece
Computer harddisk	Negotiations	
Blu-Ray writer (internal)		
Blu-Ray recorder (external)		
HD-DVD writer (internal)		
HD-DVD recorder (external)		
Memory Card		
USB Stick		
Additional info No discounts because contracts are cancelled.		

14. GREECE

CONTACT INFORMATION

Country : 11.262.500
Organisation : AEPI
Internet : www.aepi.gr
Email : info@aepi.gr
Phone : +30 211 102 9001
Fax : +30 210 68 51 576
Address : 51, Samou str. & Fragoklissias, 151 25 Amaroussio, Greece

LEGISLATION AND FUNDAMENTALS

Legal basis :
Article 18 of Law 2121/1993 on Intellectual Property and Neighboring Rights, as amended by laws 2435/1996, 3049/2002, 3207/2003 and is still in force.

Collecting society : AEPI

Legal status :
Obligatory collection of the private copying levy by the Collective Administration Societies.

Liable party : Importers or Manufacturers

Obligation to report :
The liable party must report to the Hellenic Organisation of Intellectual Property (OIP), whenever a Collecting Society serves him a written notification with such request.

Liability moment : Upon import or distribution to the local market.

Cooperation customs : No

Export refund :
The carriers and equipment to be exported are being excluded from payment of private copying levy in Greece.

Legal penalty for omission : Yes, legal penalty

Within one month from the date of receiving the Collecting Society's written notification/invitation, the liable party must submit a statutory statement to the Organisation of Intellectual Property (OIP), declaring the true total value of the equipment of reproduction of sound and/or image and of the carriers fit for such reproduction, which he imported or produced in Greece.
In case the liable party fails to submit that declaration, the one-member district Court, judging at the procedure of injunction measures, orders the liable party to immediately submit the above statutory statement, providing for a pecuniary fine varying from € 3.000 to € 30.000 in favor of the applicant Collecting Society, in case of non-compliance.
Further sanctions are provided.

Control of obligated parties :
Each Collecting Society is entitled to request verification of the accuracy of the contents of any statutory statement by a certified accountant appointed by the Organization of Intellectual Property (OIP). In case a debtor refuses to comply with the said request, the one-member district Court may order it, in accordance with the above. The report of the certified accountant is submitted to the OIP and each Collecting Society is entitled to receive a copy of it. There cannot be carried out new audits for the same statement at the request of other Collecting Societies.

Who sets the levies? The legislator.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
The legislator has settled distribution scheme as follows :

- 55% to creators (all categories)
- 25% to interpreters and performers
- 20% to producers of audio and video carriers

Audio scheme : The above distribution scheme applies to both audio and video sector.

Video scheme : The above distribution scheme applies to both audio and video sector.

Collective purposes : No

Observations :
AEPI, following several disputes and out-of-Court settlements, has been collecting on a quite regular basis its share in the video levy.
AEPI' s share of 19,1% has been attributed by the Organisation of Intellectual Property, who has been deciding on the share to be allocated to the various categories - rightholders of the 55% total share of all creators of the video sector.
Such collections have been made by AEPI during the last years, for previous periods.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	6%	Per unit
Minidisc	6%	Per unit
Hi-MD	6%	Per unit
Audio-cd r/rw	6%	Per unit
Data-cd r/rw	6%	Per unit

Video levies		
	Levy	Capacity
Videocassette	6%	Per unit
DVD+ r/rw	6%	Per unit
DVD- r/rw	6%	Per unit
DVD ram	6%	Per unit
DVD double-layer	6%	Per unit
Blu-Ray	6%	Per unit
HD-DVD	6%	Per unit

Devices levies		
	Levy	Capacity
Digital jukebox	6%	Per unit
MP3 player	6%	Per unit
CD writer (internal)	6%	Per unit
CD recorder (external)	6%	Per unit
DVD writer (internal)	6%	Per unit
DVD recorder (external)	6%	Per unit
DVD harddisk recorder	6%	Per unit
Computer harddisk	6%	Per unit
Blu-Ray writer (internal)	6%	Per unit
Blu-Ray recorder (external)	6%	Per unit
HD-DVD writer (internal)	6%	Per unit
HD-DVD recorder (external)	6%	Per unit
Memory Card	6%	Per unit
USB Stick	6%	Per unit

15. HUNGARY

CONTACT INFORMATION

Population : 10.029.900 **Currency:** € 1 = HUF 300,2
Organisation : Artisjus
Internet : www.artisjus.hu
Email : info@artisjus.com
Phone : +361 488 26 60
Fax : +361 212 15 42
Address : 1016 Budapest, Mészáros u. 15-17. Hungary

LEGISLATION AND FUNDAMENTALS

Legal basis : Copyright Act LXXVI of 1999

Collecting society : ARTISJUS

Legal status : Legal monopoly

Liable party : Manufacturer (domestic products), importer, dealer, reseller

Obligation to report :
Legal obligation for importer, manufactures.
Dealers/retailers are legally bound to provide information upon request.

Liability moment :
1. Within a maximum of 8 days upon customs clearance or when the carriers leave the site of a local manufacturer (non EU-countries).
2. Moment of putting into circulation or when storing with the intention to bring into circulation (EU-countries).

Cooperation customs : Yes

Export refund :
No refund scheme is stated in the Copyright Act.
ARTISJUS however accepts refund claims when the authentic invoices and delivery notes (EU exports) or statements of customs clearance are submitted in conjunction with the clearance.

Legal penalty for omission : Yes, legal penalty
Both the blank tape tariff and a lump sum equal to the tariff must be paid (Copyright Act)

Control of obligated parties :
1. Hologram stickers on the products.
2. Regular audits in shops, markets, shopping centers etc.

Who sets the levies?
Collecting societies, with annual approval by the Ministry of Education and Culture

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
- legislator between different groups of the rightholders
- rightholders within the collecting societies

Audio scheme :
- 45% - Authors (ARTISJUS)
- 30%-Performers (EJI)
- 25%-Producers (MAHASZ)

Video scheme :
1. 20% - Authors (ARTISJUS)
2. 80% - Right owners, such as
   - 13% - Film producers (FILMJUS)
   - 22% - Cinematographic creators (FILMJUS)
   - 4% - Visual artists (HUNGART)
   - 16% - Script writers (FILMJUS)
   - 20% - Authors of music and literature (ARTISJUS)
   - 25% - Performers (EJI)

Collective purposes : Yes
Not included in the Copyright Act, however collecting societies use a share for collective social and cultural purposes by decision of their right holders. This share at ARTISJUS is 3,3% (audio) & 10% (video).

Observations:
- Legal developments: Modification of the Criminal Code from 1st January 2009: the infringing a claim to levy may also constitute a criminal offence.
- Relevant Market Study: Twice a year. One of them covers the whole population (GfK). The other one researches the younger generations. (Free Associations Inst.)
- Legal cases against mobile phone companies/importers.
- Problems due to cross-border web distribution: mainly Slovakian Internet web shops have been distributing uncontrolled quantities for Hungary without reporting the sales and settling the levies to ARTISJUS.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	€ 0,07	< 60 minutes
	€ 0,09	60 - 90 minutes
	€ 0,11	> 90 minutes
Minidisc	€ 0,21	Per unit
Audio-cd r/rw	€ 0,21	Per unit
Cd-r/rw	€ 0,05	< 300 MB
Data-cd r/rw	€ 0,15	< 700 MB
	€ 0,21	> 700 MB

Video levies			
	Levy	Capacity	Discount
Videocassette	€ 0,18	< 120 minutes	
	€ 0,23	120 – 180 minutes	
	€ 0,25	180 – 195 minutes	
	€ 0,33	> 240 minutes	
DVD+ r/rw	€ 0,05	< 4,7 GB	
	€ 0,37	4,7 GB	€ 0,18
DVD- r/rw	€ 0,05	< 4,7 GB	
	€ 0,37	4,7 GB	€ 0,18
DVD ram	€ 0,37	4,7 GB	€ 0,18
DVD double-layer	€ 0,83	< 9,4 GB	€ 0,42
Blu-Ray, HD-DVD *(and other high capacity optical disc)*	€ 0,37	< 4,7 GB	€ 0,27
	€ 0,83	4,7 - 9,4 GB	€ 0,62
	€ 1,00	9,4 – 15 GB	€ 0,75
	€ 1,33	15 – 25 GB	€ 1,00
	€ 1,66	25 – 50 GB	€ 1,25
	€ 2,33	50 – 100 GB	€ 1,75
	€ 2,66	100 – 200 GB	€ 2,00
	€ 2,83	> 200 GB	€ 2,12

Devices levies			
	Levy	Capacity	Discount
MP3 player	€ 0,33	< 32MB	€ 0,25
	€ 0,66	32 – 64 MB	€ 0,50
	€ 1,33	64 – 128 MB	€ 1,00
	€ 2,13	128 – 256 MB	€ 1,60
	€ 4,00	256 – 512 MB	€ 3,00
	€ 5,32	512 MB – 1 GB	€ 4,00
	€ 6,40	1 – 2 GB	€ 4,80
	€ 10,66	2 – 4 GB	€ 8,00
	€ 16,00	4 – 10 GB	€ 12,00
	€ 24,00	10 – 40 GB	€ 18,00
	€ 26,64	40 – 80 GB	€ 20,00
Memory Card	€ 0,13	< 64 MB	€ 0,12
	€ 0,26	64 – 128 MB	€ 0,24
	€ 0,33	128 – 256 MB	€ 0,30
	€ 0,40	256 – 512 MB	€ 0,36
	€ 0,50	512 MB – 1 GB	€ 0,45
	€ 1,00	1 – 2 GB	€ 0,89
	€ 1,66	2 – 4 GB	€ 1,50
	€ 2,66	4 – 8 GB	€ 2,40
	€ 4,00	8 – 12 GB	€ 3,60
	€ 5,32	12 – 16 GB	€ 4,80
	€ 10,65	16 – 32 GB	€ 9,60
USB Stick	€ 0,33	< 1 GB	€ 0,27
	€ 0,66	1 – 2 GB	€ 0,53
	€ 1,33	2 – 4 GB	€ 1,06
	€ 2,00	4 – 8 GB	€ 1,60
	€ 4,00	8 – 16 GB	€ 3,20
	€ 8,00	16 – 32 GB	€ 6,40
Storage capacity integrated in consumer electronics devices for storing audio and/or audiovisual content *)	€ 10,66	< 80 GB	€ 8,00
	€ 13,32	80 – 160 GB	€ 10,00
	€ 18,65	160 – 250 GB	€ 14,00
	€ 24,00	> 250 GB	€ 18,00
Additional info *) e.g. video recorders with integrated memory, DVD recorders/burners with integrated memory, televisions with integrated memory, set top boxes and satellite receivers with integrated memory			

16. ITALY

CONTACT INFORMATION

Population : 60.090.400
Organisation : SIAE
Internet : www.siae.it
Email : copiaprivata@siae.it
Phone : +39 65 990 2598
Fax : +39 65 990 2018
Address : Via della Letteratura 30, 00144 Roma

LEGISLATION AND FUNDAMENTALS

Legal basis : Legislative Decree No. 68; April 9th 2003 (effective April 29th 2003).

Collecting society : SIAE

Legal status : Legal Monopoly

Liable party :
Manufacturers or Importers (with commercial purposes). Distributors also liable when manufacturer or importer does not comply

Obligation to report : Parties have to report their sales quarterly.

Liability moment :
Manufaturers and Importers have to pay the private copy remuneration upon their sales. Liability moment is when the goods are put on the market

Cooperation customs : No

Export refund :
Whoever, for commercial purposes, buys products in Italy subject to private copy remuneration and then sells the goods abroad, can apply for a refund of the levies paid to his supplier.
These retailers have to fill in a specific form and enclose both the purchasing as the sales invoice with delivery notes. SIAE checks all the purchasing chain to verify if private copy remuneration has been paid by exporters.

Legal penalty for omission : Yes, legal penalty

The non-compliance by manufacturers/importers is not considered a criminal offence. However, administrative sanctions are provided for by law. They have to pay twice the amount due and it can - in case of repeated or serious offence - have consequences on their business licenses

Control of obligated parties :
According to Italian law, SIAE has the right to check the documents of manufaturers, importers and distributors

Who sets the levies?
Ministry of National Heritage and Culture fixed the rate through a decree and after having listened to a Commettee's advice. This Committee exists of experts in copyright, governmental and cultural industry representitives.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
Distribution schemes are set by law

Audio scheme :
50% - Authors;
50% - Producers and performers (half to be paid to perfomers)

Video scheme :
30% - Authors;
70% - Audiovisul Producers, Producers of dvd's and Vidocassettes and Association of Artists/Performers. (1/3 each category)

Collective purposes : Yes
According to italian law, 50% of the revenues 'video' distributed to Association of Artists and performers have to allocate for study and research, professional training and promotion and aid to artists/performers. SIAE is not involved in the management of these founds.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	0,23	per 60 minutes
Minidisc	0,39	per 80 minutes
Audio-cd r/rw	0,39	per 80 minutes
Data-cd r/rw	0,25	per 700 mb

Video levies		
	Levy	Capacity
Videocassette	0,87	per 180 minutes
DVD+ r/rw	0,58	per 4.7 GB
DVD- r/rw	0,58	per 4.7 GB
DVD ram	0,87	per 4.7 GB
DVD double-layer	0,58	per 4.7 GB

Devices levies			
	Levy	Capacity	Discount
Digital jukebox	3% *	Per unit	
MP3 player	3% *	Per unit	
CD writer (internal)	€ 0,60	Per unit	
CD recorder (external)	3%*	Per unit	50%
DVD writer (internal)	€ 2,10	Per unit	
DVD recorder (external)	3% *	Per unit	50%
DVD harddisk recorder	3%	Per unit	

Additional info
*) 3% of retailer price

According to Italian law the tariff for recorder equipment is 3% of retailer price.
Tarrif of devices does not depend on capacity.

17. JAPAN

CONTACT INFORMATION

Population : 127.630.000 **Currency:** € 1 = ¥ 128,16

Organisation : SARAH
Internet : www.sarah.or.jp
Email : sarahnakano@za.wakwak.com
Phone : +81 332 613 444
Fax : +81 332 613 447
Address : Kojimachi YK Bldg. 2F, 1-8-14, Kojimachi, Chiyoda-ku, Tokyo 102-0083

Organisation : SARVH
Internet : www.sarvh.or.jp
Email : sarvh02@mint.ocn.ne.jp
Phone : +81 335 603 107
Fax : +81 355 702 560
Address : Akasaka Mitsuji Bldg. 2F, 5-4-6, Akasaka, Minato-ku, Tokyo 107-0052

LEGISLATION AND FUNDAMENTALS

Legal basis : Copyright Law

Collecting society :
- SARAH (Soc. for Administration of Remuneration for Audio Home Recording)
- SARVH (Soc. for Administration of Remuneration for Video Home Recording)

Legal status : Legal monopoly, designated by the Commissioner of Agency for Cultural Affairs.

Liable party :
Copyright law makes it obligatory for those who make copies for private use by making use of a digital device/medium, to pay compensation to the relevant owners of the right of reproduction.

However, as it would be too troublesome for users to pay the compensation to all rightsholders individually, the following mechanism was introduced:
- The compensation is included in the prices of the designated digital devices/media with cooperation of the producers of the devices/media (therefore, paid by the user only once at purchase);
- the producers of the devices/media send the compensation, to the association designated by the Government(=SARAH/SARVH); and
- The designated association distributes the collected compensation to the relevant rightsholders.

In summary the consumers have payment liability and manufacturers have cooperation liability.

Obligation to report : Contractual obligation for manufacturers/importers to report.

Liability moment :
Manufactures/importers have to pay compensation when they ship the specified recording devices/media.

Cooperation customs : No

Export refund :
SARAH/SARVH receives reports from manufactures/importers (sales on the domestic market) and collects compensations based on these reports.

Legal penalty for omission : No legal penalty

Control of obligated parties : No control

Who sets the levies?
1. SARAH/SARVH makes a plan and submits this to the Commissioner of the Agency for Cultural Affaires for his approval.
2. The Commissioner consults the plan with the Culture Council consisting of persons of learning and experience.
3. The Commissioner approves the plan after receiving the report submitted by the Council.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
Negotiations between rightsholders' organisations

Audio scheme :
- 36% - Copyrights holders (JASRAC, 3 writers organizations)
- 32% - Performers (GEIDANKYO)
- 32% - Producers of Phonograms (RIAJ)

Video scheme :
- 36% - Copyrights holders of visual works (7 visual works producers organisations)
- 16% - Copyrights holders of musical works (JASRAC)
- 16% - Copyrights holders of literary works (3 writers organizations)
- 29% - Performers (GEIDANKYO)
- 3% - Producers of Phonograms (RIAJ)

Collective purposes : Yes
Copyright law stipulates that the designated association must allocate an amount of the compensation (a fixed rate by Cabinet order) as a contribution to the protection of copyright and neighboring rights as well as to the promotion of the creation and dissemination of works (the fixed rate by Cabinet order is 20%).

Observations :
Commission on private copying set up under the Copyright Subdivision of the Council for Cultural Affairs has discussed the revision of the private copying system since April 2006. But the Commission could not reach a conclusion due to a conflict of opinions between rightholders and manufactures.
On June 2008, Minister of Economy, Trade and Industry and Minister of Education, Culture, Sports, Science and Technology have announced to designate "Blu-Ray" as medium/machine subject to a levy. But so far they are not designated, because the organization representing manufactures strongly insists that "Blu-Ray" should not be designated unless they make it clear that private copy levy system will be abolished when Japan completes the transition from analog to digital broadcasting, that is, on July 2011.

LEVIES

Audio levies		
	Levy	Capacity
Minidisc	3%	Per unit
Audio-cd r/rw	3%	Per unit
DTA	3%	Per unit
DCC	3%	Per unit
Additional info Tariff is percentage of the base price. Base price = first sale price or 50% of the standard price indicated in the catalogue		

Video levies		
	Levy	Capacity
DVD+ r/rw	1%	Per unit
DVD- r/rw	1%	Per unit
DVD ram	1%	Per unit
DVD double-layer	1%	Per unit
HD-DVD	1%	Per unit
Digital Videocassette	1%	Per unit
Digital VHS	1%	Per unit
Additional info Tariff is percentage of the base price. Base price = first sale price or 50% of the standard price indicated in the catalogue		

Devices levies		
	Levy	Capacity
MD	2%	Per unit
DAT	2%	Per unit
DCC	2%	Per unit
CD writer (internal)	2%	Per unit
CD recorder (external)	2%	Per unit
DVD writer (internal)	1%	Per unit
DVD harddisk recorder	1%	Per unit
HD-DVD writer (internal)	1%	Per unit
Digital Videocassette Recorder	1%	Per unit
Digital VHS Recorder	1%	Per unit
Additional info Tariff is percentage of the base price. Base price = first sale price or 65% of the standard price indicated in the catalogue. Maximum of 1,000 yen.		

18. LATVIA

CONTACT INFORMATION

Population : 2.259.400 **Currency:** € 1 = LVL 0,70
Organisation : AKKA/LAA
Internet : www.akka-laa.lv
Email : info@akka-laa.lv
Phone : +37 175 061 31
Fax : +37 173 156 20
Address : A.Caka Street 97, Riga, LV- 1011

LEGISLATION AND FUNDAMENTALS

Legal basis : Copyright Law, Cabinet Regulation No321

Collecting society : AKKA/LAA

Legal status : Permission from Ministry of Culture.

Liable party : Importers and manufacturers

Obligation to report : Yes

Liability moment :
At the end of each month, but not later than the fifteenth day of the following month, a manufacturer or importer shall submit a submission to the Organization indicating the imported or manufactured blank recorded media or equipment and no later than the fifteenth day of the following month they have to make a payment.

Cooperation customs : No

Export refund :
If a manufacturer or importer exports blank recording media or equipment used in reproduction from Latvia, the manufacturer or importer doesn't have to pay the levy for them;
The levy will be returned if it has been paid .

Legal penalty for omission : Yes, legal penalty

If an importer or manufacturer does not submit a submission within the time period specified above or the levy is not paid within the time period specified above, the amount of the levy shall be doubled.

Control of obligated parties :
WAKKA/LAA carries out regular inspections to business places and storehouses. Sometimes AKKA/LAA cooperates with police authorities

Who sets the levies?
Levies are set by Ministry of Culture after consultations with working group of rightowners and importers. Levies are approved by Cabinet.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
Distribution schemes are set by Ministry of Culture after consultations with working group of rightowners and importers. Distribution schemes are approved by Cabinet.

Audio scheme :
- 40% - authors
- 30% - performers
- 30% - phonogram producers

Video scheme :
- 33,33% - authors
- 33,33% - performers
- 33,33% - film producers

Interactive scheme :
- 80% added to audio sheme
- 20% added to video sheme

Collective purposes : Yes
10% deductions for Cultural and Educational Fund (the money is used for organizing seminars, preparing printed materials etc.)

Observations :
Ministry of Culture had organized a working group of rightowners and importers to discuss applicable new technical equipments and to discuss a new levies but the discussions resulted with nothing.
Rightowners are convinced that blank tape levie has to be applied to computers, hard discs, memory cards and mobile phones with mp3 and are facing very strong opposition from the importers side.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	€ 0,04	Per unit
Minidisc	€ 0,04	Per unit
Hi-MD	€ 0,04	Per unit
Audio-cd r/rw	€ 0,14	Per unit
Data-cd r/rw	€ 0,14	Per unit

Video levies		
	Levy	Capacity
Videocassette	€ 0,08	Per unit
DVD+ r/rw	€ 0,28	Per unit
DVD- r/rw	€ 0,28	Per unit
DVD ram	€ 0,28	Per unit
DVD double-layer	€ 0,28	Per unit
Blu-Ray	€ 0,28	Per unit
HD-DVD	€ 0,28	Per unit

Devices levies		
	Levy	Capacity
Digital jukebox	€ 1,42	Per unit
MP3 player	€ 1,42	Per unit
CD writer (internal)	€ 1,42	Per unit
CD recorder (external)	€ 1,42	Per unit
DVD writer (internal)	€ 1,42	Per unit
DVD recorder (external)	€ 1,42	Per unit
DVD harddisk recorder	€ 1,42	Per unit
Blu-Ray writer (internal)	€ 1,42	Per unit
Blu-Ray recorder (external)	€ 1,42	Per unit
HD-DVD writer (internal)	€ 1,42	Per unit
HD-DVD recorder (external)	€ 1,42	Per unit

19. LITHUANIA

CONTACT INFORMATION

Population : 3.366.400 **Currency:** € 1 = LTL 3,45
Organisation : LATGA-A
Internet : www.latga.lt
Email : latga@latga.lt
Phone : +37 526 516 00
Fax : +37 526 513 77
Address : J.Basanaviciaus str.4B, LT-01118 Vilnius

LEGISLATION AND FUNDAMENTALS

Legal basis :
Article 20 of the Lithuanian Law on Copyright & Related Rights and provisions of Governmental Resolution no.997 of 29/09/2007.

Collecting society : LATGA-A

Legal status : Special authorization (control by and report to Ministry of Culture). Monopoly.

Liable party : The importers and manufacturers.

Obligation to report : Yes. Importers and manufacturers have an obligation to report.

Liability moment :
- Importers - upon customs clearance before the goods are put into free circulation.
- Manufacturers - upon distribution from the factory.

Cooperation customs : Yes

Export refund :
Exporters are entitled to refunds under the condition that they provide the proper documents, testifying the payment of the remuneration by manufacturers and importers.

Legal penalty for omission : Yes, legal penalty

When the importer doesn't pay the levies on time or doesn't submit the needed information to calculate the compensation, it's a violation of the Law on Copyright and Related Rights.
The Law states that in such case the collective administration association is entitled to file claims for the recovery of remuneration.
The court is entitled to make a decision to state the remuneration twice as high as the original amount payable under the license to use a work or an object of related rights would have been.

Control of obligated parties :
There are two types of preventative activities to control obligated parties.
- Exchange of information with customs
- Inspection at the trade places.

Who sets the levies?
Levies are determined by the Government in agreement with the importers and the associations representing the producers and copyright and related rights collective management associations.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
The basic remuneration scheme is defined by Law.
Distribution takes place yearly for authors, artists/performers and producers. Within these categories the distribution takes place after an agreement with the authorized societies.
The provision 20 of Governmental Resolution establishes that 25 % of royalties collected from the audiovisual recording media, shall be assigned to National Cinema Sponsorship Program.

Audio scheme :
- 40 % - Authors (LATGA-A)
- 30 % - Performers (AGATA)
- 30 % - Producers (AGATA)

Video scheme :
- 40 % - Authors (LATGA-A)
- 30 % - Performers (AGATA)
- 30 % - Producers (AGATA)

Collective purposes : Yes
Determined by Law. Used for programmes that support creative activities.

Observations :
LATGA-A initiated a working group that has been formed by Parliament to review the private copy regulations which are still under consideration.
In 2008 market research for private copying were carried out. The test results showed that copying has increased. Most copying is from online music sites.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	6 %	Per unit
Minidisc	6 %	Per unit
Hi-MD	6 %	Per unit
Audio-cd r/rw	6 %	Per unit
Data-cd r/rw	6 %	Per unit
Additional info All tariffs percentage of the import price.		

Video levies		
	Levy	Capacity
Videocassette	6 %	Per unit
DVD+ r/rw	6 %	Per unit
DVD- r/rw	6 %	Per unit
DVD ram	6 %	Per unit
DVD double-layer	6 %	Per unit
Blu-Ray	6 %	Per unit
HD-DVD	6 %	Per unit
Additional info All tariffs percentage of the import price.		

Devices levies
Additional info For equipment levies not to be collected. From October 2007 Memory Cards and USB sticks are no longer subjected to levies.

20. THE NETHERLANDS

CONTACT INFORMATION

Population : 16.508.080
Organisation : Stichting de Thuiskopie
Internet : www.thuiskopie.nl
Email : thuiskopie@cedar.nl
Phone : +31 23 799 78 11
Fax : +31 23 799 77 01
Address : Siriusdreef 22-28, 2130WT Hoofddorp

LEGISLATION AND FUNDAMENTALS

Legal basis :
An amendment (1991) of the Dutch Copyright Law (1912) states that consumers have the right to copy a work for private use or study, and that the rightsholders should be compensated equitable for this private copying.

Collecting society: Stichting de Thuiskopie

Legal status :
Stichting de Thuiskopie is appointed as the sole collector and distributor of the remuneration in the Netherlands. It's appointed by the Minister of Justice since 1993 (latest renewal of this appointment was in May 2007).

Liable party : Manufacturers and importers

Obligation to report :
Dutch law states that the obligated parties must report to Stichting de Thuiskopie on their own initiative. They're responsible for reporting their products correctly and in time (after manufacturing or importing). Non-reporting is a felony and may result in legal actions.

Liability moment :
At the time of import or when products leave the site of the manufacturer. When parties have an agreement with Stichting de Thuiskopie; liability moment is on time of sales (no levies on stock).

Corporation customs : Yes.
Stichting de Thuiskopie will be informed by the customs if any suspicious cargo is detected. Stichting de Thuiskopie investigates if the levy requirements are met.

Export refund :
Dutch law states that no remuneration is due when the levied goods are exported. The original debtor (manufacturer) is refunded if all mandatory documents are presented to Stichting de Thuiskopie by the exporter (documents stating the actual exportation of the carriers).

Legal penalty for omission : Yes
Non-reporting and non-payment of liable parties is prosecuted. Stichting de Thuiskopie successfully prosecutes these parties and undertakes Civil actions (confiscating properties and bank accounts) in order to collect and distribute the remuneration.

Control of obligated parties :
Stichting de Thuiskopie uses an auditing department that visits liable parties at random. Manufacturers and importers that signed an agreement with Stichting de Thuiskopie agreed with the audit of their administration. Stichting de Thuiskopie has also a special investigation unit that locates and investigates liable parties.

Who sets the levies?
The levies are set within a negotiating body (SONT) in which both the rightsholders and the industry are equally represented. An independent chairman leads this body. The height of the levies is based on a yearly independent market research.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
The distribution schemes are set by the rightsholders within the board of Stichting de Thuiskopie. The authors, producers and performers decide on their various shares based on a yearly market study by an independent researcher. This study shows which content is copied by consumers and what type of carriers they have used to copy this content on.

DVD distribution:
- 78% according Video scheme
- 17% according Audio scheme
- 5% according Interactive scheme

CD distribution:
- 82% according Audio scheme
- 10% according Video scheme
- 8% according Interactive scheme

Audio scheme :
- 40 % - Authors (Stemra)
- 30 % - Performers (SENA)
- 30 % - Producers (NVPI)

Video scheme :
- 40 % - Authors (Stemra)
- 30 % - Performers (Norma)
- 30 % - Producers (Sekam video, NOS)

Interactive scheme :
- 20 % - Authors and Performers (50% Stemra - 50% Norma)
- 45 % - Producers (SPMP)
- 35 % - according to the Audio and Video Scheme (75% Audio and 25% Video)

Collective purposes : No
The Thuiskopie Fund, set up by the rightholders, used a deduction of 15% for cultural purposes. The rightsholders decided to end the Fund and 2007 was the last year in which audio and audiovisual creators could sign up for financial aid for their projects supporting Dutch culture. The organizations of rightholders can still deduct up to 15% for collective purpose, before distribution.

Observations:
During 2007 informal meetings took place between the Ministry of Justice, the rightsholders and the industry partners involved with private copying remuneration. These meetings were held in order to advice the Minister of Justice in 2008 regarding the renewal of the current system.
To avoid any further discussions (both public and political) and to await the decision making within the European Commission the Dutch Minister of Justice filed a decree by which all current tariffs and levied carriers were frozen until January 2009.
In November 2008 this decision was extended till January 2010, pending the report of the special Parliamentary Workgroup from the Department of Justice, evaluating the Copyright Law and the Private copying system in The Netherlands. At this moment Stichting de Thuiskopie awaits the outcome of the advice to the Minister of Justice.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	€ 0,23	Per hour
Minidisc	€ 0,32	Per hour
Audio-cd r/rw	€ 0,42	Per hour
	€ 0,52	Per 74 minutes
Data-cd r/rw	€ 0,14	Per unit
Hi-Minidisc	€ 1,10	Per unit

Video levies		
	Levy	Capacity
Videocassette	€ 0,33	Per hour
DVD+ r/rw	€ 0,40	Per 4,7GB
DVD- r/rw	€ 0,60	Per 4,7GB
Additional info: Double-Layer DVD is levied for the extra capacity according to the levy per 4,7GB. All tariffs are frozen until January 2010 by Ministerial decree.		

21. NORWAY

CONTACT INFORMATION

Population : 4.813.524 **Currency:** € 1 = NOK 8,8
Organisation : NORWACO
Internet : www.norwaco.no
Email : norwaco@norwaco.no
Phone : +47 23 31 68 00
Fax : +47 23 31 68 01
Address : Postboks 8903 Youngstorget 0028 Oslo

LEGISLATION AND FUNDAMENTALS

Legal basis :
Section 12 of the Norwegian Copyright Act establishes in line with article 5.2 b) of the Copyright Directive an obligation to compensate rightholders for the private copying of publicly disseminated works. Only the lawful copying for private use is compensated.

Collecting society : Norwaco

Legal status :
Private Collective Management Organisation appointed/approved by the Norwegian Ministry of Church and Cultural Affairs.

Cooperation customs : No

Export refund :
Norway does not claim private copying levies. To the extent foreign exporters of blank media have paid levies in their countries of production, the Norwegian Customs Authority does not refund private copying levies to foreign exporters for blank media. Exporters would have to claim refunding in their countries of origin.

Legal penalty for omission : No legal penalty

Who sets the levies?
There is no levy system in Norway. The Norwegian Parliament determines annually the level of the compensation to be granted to the right-holders. The compensation is managed individually by Norwaco and collectively by means of financial support through the Arts Council of Norway

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
The compensation is distributed by Norwaco through representative organisations in Norway and the EEA. The amount for 2009 is approximately 4,32 million Euro (current exchange rate). The reduction is due to a fall in the exchange value of the Norwegian currency compared with Euro.

Collective purposes : Yes
The Arts Council of Norway manages the collective compensation by means of financial support to various projects.
The amount managed collectivelly for 2009 is ca. 3 million Euro (current exchange rate)

Observations :
We have just finalized a study on the private copying patterns of Norwegian through the period March-December 2008 which in general shows stability regarding the amount of people who copy various copyrighted material such as music, films and TV-series and a slight increase in the amount of the material copied. The study also indicates the existence of wide-spread illegal copying.

22. POLAND

CONTACT INFORMATION

Population : 38.130.300 **Currency:** € 1 = PLN 3,52
Organisation : ZAiKS
Internet : www@zaiks.org.pl
Email : sekretariat@zaiks.org.pl
Phone : +48 228 281 705
Fax : +48 228 289 204
Address : 00-092 Warszawa, ul. Hipoteczna 2

LEGISLATION AND FUNDAMENTALS

Legal basis :
Copyright Law and Law on Neighbouring Rights of 04 Feb. 1994, revisioned on 28 Oct. 2002. And a regulation of Minister of Culture on 02 June 2003

Collecting society :
- ZAiKS (creators)
- SAWP (performing artists)
- ZPAV (producers)

Legal status : No monopoly: three societies authorized to collect the remuneration

Liable party : Manufacturers and importers

Obligation to report : Manufacturers and importers

Liability moment : Within two weeks at the end of each quarter wherein seles took plece.

Cooperation customs : No

Export refund : None

Legal penalty for omission : Yes, legal penalty

Warning to the prosecutor and a possible penalty (fine or imprisonment)

Control of obligated parties : An audit led by an audit company

Who sets the levies? Law on Copyright and Regulation of Minister of Culture

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
The basic remuneration scheme is defined by law. Distribution takes place quarterly to organisations of rightholders. Each category of rightholders (authors, performers, producers) distributes after an agreement with the authorised societes

Audio scheme :
- 50% - Authors
- 25% - Performers
- 25% - Phonogram producers

Video scheme :
- 35% - Authors
- 25% - Performers
- 40% - Video producers

Collective purposes : No

Observations :
In accordance with Regulation of the Minister of Culture on 15th of December 2008, a new table of rates has been introduced.
The rates indicated bellow are effective from 1st of January 2009.

LEVIES

(The rates indicated bellow are effective from 01-01-2009)

Audio levies		
	Levy	Capacity
Audiocassette	3%	All
Minidisc	3%	All
Hi-MD	3%	All
Audio-cd r	1,72%	All
Audio-cd rw	2,89%	All
Data-cd r	1,72%	All
Data-cd rw	2,89%	All
DAT cassettes	3%	All

Video levies		
	Levy	Capacity
Videocassette	3%	All
DVD+ r	2,53%	All
DVD+ rw	2,95%	All
DVD- r	2,53%	All
DVD- rw	2,95%	All
DVD ram (DVD-r)	2,53%	All
DVD ram (DVD-rw)	2,95%	All
DVD-r double-layer	2,53%	All
DVD-rw double-layer	2,95%	All
Blu-Ray	2,10%	All
HD-DVD (DVD-r)	2,10%	All
HD-DVD (DVD-rw)	2,44%	All
VHS-D	3%	All

Devices levies		
	Levy	Capacity
Digital jukebox	1,14%	all
MP3 player	3%	all
CD writer (internal)	1,54%	Per unit
CD recorder (external)	0,94%	Per unit
DVD writer (internal)	2,28%	Per unit
DVD recorder (external)	1,46%	Per unit
DVD harddisk recorder	2,23%	all
Computer harddisk	1%	all
Blu-Ray writer (internal)	1,89%	Per unit
Blu-Ray recorder (external)	1,46%	Per unit
HD-DVD writer (internal)	1,89%	Per unit
HD-DVD recorder (external)	1,46%	Per unit
Memory Card	0,47%	all
USB Stick	0,47%	all
Tape recorder	2,03%	Per unit

23. PORTUGAL

CONTACT INFORMATION

Population : 10.617.575
Organisation : AGECOP - Associação para a Gestão da Cópia Privada
Internet : www.agecop.pt
Email : agecop@agecop.pt
Phone : +35 1 21 848 66 05
Fax : +35 1 21 848 66 07
Address : Av. Estados Unidos da América, 94, 7.º B, 1700-178 Lisboa

LEGISLATION AND FUNDAMENTALS

Legal basis :
The collection of remunerations for private copy is imposed by Law 62/98, amended by Law 50/2004, both approved by the Parliament, pursuant to the established on articles 81 and 82 of the Copyright Code.
The collection and management of remunerations for private copy is made by AGECOP, both for audiovisual and reprography.

Collecting society :
AGECOP. The incorporation of AGECOP was mandatory and was made in 1998. Our members are all the colleting societies existing in Portugal and representing authors, artists and performers, publishers and music and video producers.

Legal status :
The remunerations for private copy can only be collected and managed by AGECOP.
The legal status of public utility and collective management society was granted through a registry at the Ministry of Culture.

Liable party :
Concerning the remunerations over equipment and blank media, which benefit music and audiovisual rightsholders, all importers and manufacturers of such are obliged to collect when the first sale of the product takes place.
In regard to remunerations that benefit reprographic rightsholders, the collection is made by all the public and private entities that sell photocopies which have entered into contracts with AGECOP.

Obligation to report :
Importers and manufacturers of equipment and blank media subjected to the private copy remuneration are obliged to report the number of blank media sold.
Regarding equipments they also have to report the price of sale, as the remuneration is calculated over such amounts (the remuneration is only collected over analogue equipment and corresponds to 3% of the net selling price).
In addition, importers and manufacturers have to report data concerning exports and exemptions for professional uses.
All the data has to be reported to AGECOP and also to the Inspection of Cultural Activities, a body of the Ministry of Culture.
Also, the public and private entities that sell photocopies are obliged to report the number of copies of works made each year.

Liability moment : When the first sale takes place

Cooperation customs : No

Export refund :
In order to be refunded for exports, importers and manufacturers have to present the same documents that are requested by the VAT services when applying for VAT refund.

Legal penalty for omission : Yes, legal penalty

- Infringement of the obligation to report to the Inspection of Cultural Activities/Ministry of Culture: legal penalty from € 125 to € 1500
- Infringement of the obligation to collect: legal penalty from € 500 to € 5000

Control of obligated parties :
AGECOP can audit the accounts of all importers that have entered into contracts with AGECOP. We also have such powers concerning public and private entitities that have enterd into contracts to pay the remuneration over the selling price of photocopies. All administrative and police authorithies are competent to supervise the compliance with private copy legal regulations.

Who sets the levies? Levies can only be set through a Law approved by the Parliament.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
Distribution schemes are set by Law.
As the members of AGECOP can only be collecting societies, distribution to rightsholders is made by them.

AGECOP distributes as follows:
Remunerations over equipments and blank media:
- 40% for collecting societies representing authors;
- 30% for collecting societies representing artists and performers;
- 30% for collecting societies representing music and video producers.

Remunerations over photocopies:
- 50% for collecting societies representing authors
- 50% for collecting societies representing publishers

Collective purposes : Yes
The Law establishes an obligation to retain 20% of the total amounts collected for collective purposes. The amounts retained are applied in cultural activities, such as workshoops, scholarships, etc, and in actions to promote the public awareness and the investigation on copyright related matters.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	€ 0,14	Per unit
Minidisc	€ 0,19	Per unit
Audio-cd r	€ 0,13	Per unit
Audio-cd rw	€ 0,19	Per unit
Data-cd r	€ 0,05	Per unit
Data-cd rw	€ 0,14	Per unit
CD 8 cm	€ 0,27	Per unit

Video levies		
	Levy	Capacity
Videocassette	€ 0,26	Per unit
DVD+ r	€ 0,14	Per unit
DVD+ rw	€ 0,30	Per unit
DVD- r	€ 0,14	Per unit
DVD- rw	€ 0,30	Per unit
DVD ram	€ 1,00	Per unit

Devices levies
Additional info
According to the Law, only analogue equipment is subjected to the remuneration, which corresponds to 3% of the respective selling price.

24. SLOVAKIA

CONTACT INFORMATION

Population : 5.400.000 **Currency:** € 1 = SKK 30,13
Organisation : SOZA
Internet : www.soza.sk
Email : soza@soza.sk
Phone : +42 125 556 93 62
Fax : +42 125 556 94 09
Address : Rastislavova 3, 821 08 Bratislava 2

LEGISLATION AND FUNDAMENTALS

Legal basis :
Copyright Act No.618/2003 Coll. as amended by Act No. 84/2007 Coll. and Act No. 220/2007 Coll.

Collecting society : SOZA

Legal status :
Collective societies are entitled to collect money from liable parties according to the Copyright Act. Most of them (except SAPA) agreed on SOZA being the one who collects.

Liable party :
manufacturer, recipient from a member state , importer from the third country or other person which places the carriers for the purposes of sale to the Slovak market for the first time.

Obligation to report : Legal obligation to report.

Liability moment :
The compensation of remuneration is paid to the respective collective administration organisation on the first sale of carrier, device or equipment or on its import or receipt, quarterly to the end of the first month of the following quarter at the latest.

Cooperation customs : Yes

Legal penalty for omission : Yes, legal penalty

- Copyright Act: "by failing to fulfill the obligation even within additional time limit determined by the collective administration organisation, the compensation tariff to be paid will be doubled."
- According to Criminal law, under specific circumstances, it can also be considered as a criminal offence.

Control of obligated parties : Co-operation with associations of liable parties.

Who sets the levies? Copyrigtht Act

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
Agreement of collective management societies.

Audio scheme :
- 6,55% LITA (literary,dramatic,audiovisual, choreograph. works and plastic arts)
- 36,2% SOZA (musical works)
- 9,144% OZIS (performers)
- 48,106% Slovgram (performers and producers)

Video scheme :
- 26,54% LITA
- 3,46% SOZA
- 9,975% OZIS
- 28,65% Slovgram
- 21,375% (saved in a bank deposit for SAPA - film producers)

Collective purposes : No

LEVIES

Audio levies
The levy is 6% from sale price or import price of the carrier.

Video levies
The levy is 6% from sale price or import price of the carrier.

Devices levies
The levy is 3% from total income of such devices.

25. SLOVENIA

CONTACT INFORMATION

Population : 2.005.692
Organisation : Zavod IPF
Internet : www.zavod-ipf.si
Email : privatno.reproduciranje@zavod-ipf.si
Phone : +38 615 272 930
Fax : +38 615 272 931
Address : Zavod IPF, Šmartinska 152, 1000 Ljubljana - Slovenia

LEGISLATION AND FUNDAMENTALS

Legal basis :
- Copyright and Related Rights Act (Official Gazette No 16/2007, No 68/2008)
- Decree on amounts of remuneration for private and other internal reproduction (Official Gazette RS, No 103/2006)

Collecting society : Zavod IPF - collecting society of performers and producers of phonograms

Legal status :
Temporary licence for collection of blank tape levy (audio and audiovisual cariers and devices only), issued by SIPO in december 2007 for period of two years. With private copying of literary works, the levy is collected by the collective organisation SAZOR.

Liable party :
Manufacturers of appliances for sound or visual reproduction; manufacturers of appliances for photocopying; manufacturers of blank audio or video fixation media; and holders of appliances who are offering photocopying services against payment. Jointly liable with manufacturers are importers of appliances and fixation media, unless such imports are intended for private and non-commercial use, as part of their personal luggage. (de minimis imports)

Obligation to report :
Liable parties shall, on request of a collecting society, at the end of each quarter submit information about the type and number of sold or imported appliances and media, as well as such information about the photocopies sold, as is necessary for the calculation of the remuneration due.

Liability moment :
- Upon the first sale or importation of new appliances for sound or visual fixation or photocopying,
- Upon the first sale or importation of new blank audio or video fixation mediums
- Upon photocopies made for sale, i.e. monthly on their probable number.

Import is to be considered as the release of goods into free circulation in accordance with customs regulations of the European Community, and as each admission to the territory of the Republic of Slovenia from other EU Member States.

Cooperation customs : No

Export refund : No

Legal penalty for omission : Yes, legal penalty

A fine of no less than € 834,50 shall be imposed for a misdemeanor on any legal entity or individual sole trader that does not submit to the competent collecting society, at its request and within the prescribed time limit, information about the types and number of sold or imported devices.

Control of obligated parties : Market Inspection.

Who sets the levies? Government, based on SIPO recommendation.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
Written agreement between collective organisations.

Audio scheme :
- SAZAS (40%)
- Zavod IPF (60%)
  - performers 30%
  - producers 30%

Video scheme : No collective society was established. Collected remunerations are reserved.

Other : Literary works -collective societies SAZOR and ZAMP.

Collective purposes : No

Observations :
Negotiation on first distribution of collected remunerations between collective organisations of rights holders.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	€ 0,10	<180 min
	€ 0,19	>180 min
Minidisc	€ 0,13	per 90 min
Hi-MD	€ 0,03	per GB (max € 16,69)
Audio-cd r/rw	€ 0,13	per 90 min
Data-cd r/rw	€ 0,03	per GB (max € 16,69)

Video levies		
	Levy	Capacity
Videocassette	€ 0,10	<180 min
	€ 0,19	> 180 min
DVD+ r/rw	€ 0,03	per GB (max € 16,69)
DVD- r/rw	€ 0,03	per GB (max € 16,69)
DVD ram	€ 0,03	per GB (max € 16,69)
DVD double-layer	€ 0,03	per GB (max € 16,69)
Blu-Ray	€ 0,03	per GB (max € 16,69)
HD-DVD	€ 0,03	per GB (max € 16,69)

Devices levies		
	Levy	Capacity
MP3 player	€ 4,17	<2 GB
	€ 8,35	>2 GB
CD writer (internal)	€ 0,83	per unit
CD recorder (external)	€ 6,26	per unit
DVD writer (internal)	€ 0,83	per unit
DVD recorder (external)	€ 6,26	per unit
DVD harddisk recorder	€ 0,83	per unit
Computer harddisk	€ 0,03	per GB (max € 16,69)
Blu-Ray writer (internal)	€ 0,83	per unit
Blu-Ray recorder (external)	€ 6,26	per unit
HD-DVD writer (internal)	€ 0,83	per unit
HD-DVD recorder (external)	€ 6,26	per unit
Memory Card	€ 0,03	per GB (max € 16,69)
USB Stick	€ 0,03	per GB (max € 16,69)

26. SPAIN

CONTACT INFORMATION

Population : 46.063,511
Organisation : SGAE
Internet : www.sgae.es
Email : criosalido@sgae.es
Phone : +34 91 34 99 547/533
Fax : +34 91 34 99 715
Address : Fernando VI nº 4 (28004 - Madrid) SPAIN

LEGISLATION AND FUNDAMENTALS

Legal basis :
Article 25 of the Law on Intellectual Property.
On 19 June 2008, the Spanish official gazette Boletín Oficial del Estado published a Ministerial Order referring to rule 3 in section 6 of Article 25 from (TRLPI) the Consolidated Text of the Spanish Law on Intellectual property (draft of the Law 23/2006, of 7 July). setting royalty rates applicable as of 1 July 2008 to the following list of equipment, devices and material carriers.

Collecting society :
- SGAE: authors and editors
- AIE: music performers
- AGEDI: phonomechanical producers
- AISGE: audiovisual performers
- EGEDA: audiovisual producers
- DAMA: audiovisual authors

Legal status :
No legal monopoly. Control by the Ministry of Culture. Societies are obliged to report regularly to Ministry of Culture. Collecting societies must be authorized by the Culture Ministry.

Liable party : The importer or manufacturer of products subjected to levies.

Obligation to report :
Every quarter debtors have to declare the sale of the previous quarter to the collecting societies.

Liability moment : Upon sales by importer or manufacturer in the Spanish territory.

Cooperation customs : No

Export refund :
When an importer or manufacturer reports exports, we apply a reduction in that quarter or in the next ones. But first, this company must justify the exports by sending information.

Legal penalty for omission : No legal penalty.

We are authorized by Law to audit several kinds of companies related with the import/sale of equipments and carriers subjected to levies. After we audit a company if we find that a company sold equipments or carries and didn't pay this right, we can issue an invoice for those items not declared on time and additional invoice for the interest for late payment.

Control of obligated parties :
We have a team of people that, in cooperation with the rest of the involved Collecting Societies makes market surveys to find companies/retailers/importers that are not paying for this right. And when we find them we audit them to check how much they didn't pay. Also these auditors go to the companies that are informing and paying to audit the sales and to check if they are declaring correctly. SGAE is the one who selects what companies to audit and when to do it.

Who sets the levies?
The Law for analogical environment and the Ministry of Culture for the digital environment.
On 19 June 2008, the Spanish official gazette Boletín Oficial del Estado, published a Ministerial Order referring to rule 3 in section 6 of Article 25 from (TRLPI) the Consolidated Text of the Spanish Law on Intellectual property (draft of the Law 23/2006, of 7 July) setting royalty rates applicable as of 1 July 2008 to the following list of equipment, devices and material carriers.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
The Spanish Law sets the percentages for all the rights.
SGAE makes a semester survey to determinate what the sources of the recordings used in that period are (radio and TV stations, music CD and movie sales, etc). The purpose is to determinate how many times a work appears in the survey to make a proportional distribution of rights to each right owners.

Audio scheme :
- AIE - 25% - Music performers
- AGEDI - 25% - Phonomechanical producers
- SGAE - 50% - Authors and editors

Video scheme :
- AIE - 6,67% - Music performers
- AISGE - 26,67% - Audiovisual performers
- DAMA - 0,42% - Audiovisual authors
- EGEDA - 33,33% - Audiovisual producers
- SGAE - 32,91% - Authors and editors

Collective purposes : Yes
Deduction of 20% for collective purposes.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	€ 0,18	60 min
Minidisc- r	€ 0,17	Per unit
Minidisc-rw	€ 0,22	Per unit
Audio-cd r	€ 0,17	Per unit
Audio-cd rw	€ 0,22	Per unit
Data-cd r	€ 0,17	Per unit
Data-cd rw	€ 0,22	Per unit

Video levies		
	Levy	Capacity
Videocassette	€ 0,30	60 min.
DVD-r data	€ 0,44	Per unit
DVD-rw data	€ 0,60	Per unit
DVD-r video	€ 0,44	Per unit
DVD- rw video	€ 0,60	Per unit

Devices levies		
	Levy	Capacity
MP3 player	€ 3,15	Per unit
CD writer (internal)	€ 0,60	Per unit
CD recorder (external)	€ 0,60	Per unit
DVD writer (internal)	€ 3,40	Per unit
DVD recorder (external)	€ 3,40	Per unit
DVD harddisk recorder	€ 15,40	Per unit
Blu-Ray writer (internal)	€ 3,40	Per unit
Blu-Ray recorder (external)	€ 3,40	Per unit
HD-DVD writer (internal)	€ 3,40	Per unit
HD-DVD recorder (external)	€ 3,40	Per unit
Memory Card	€ 0,30	Per unit
USB Stick	€ 0,30	Per unit
harddisk no excluded	€ 12,00	Per unit
MP4	€ 3,15	Per unit
mobile phone/MP3	€ 1,10	Per unit

27. SWEDEN

CONTACT INFORMATION

Population : 9.264.000 **Currency:** € 1 = SEK 10,74
Organisation : Copyswede
Internet : www.copyswede.se
Email : copyswede@copyswede.se
Phone : +46 8 545 667 00
Fax : +46 8 667 88 11
Address : Industrigatan 2 A, 10 tr, 112 46 Stockholm

LEGISLATION AND FUNDAMENTALS

Legal basis : Copyright Act (1960:729), Sections 26 k-m

Collecting society : Copyswede

Legal status :
According to the Copyright Act, section 26 m, collection of private copying levy is to be carried out collectively through a representative organization.
Copyswede is a co-operative economic associaton established by fourteen member organizations that represent Swedish authors and performers. Under a partnership agreement with organizations that represent film and phonogram producers and with radio and TV companies (IFPI, FRF and UBOS), Copyswede also collects the levy on behalf of these organizations.

Liable party :
Manufacturers and importers are liable. By entering into an agreement with Copyswede a reseller can take over the liability from a manufacturer or importer.

Obligation to report :
Legal obligation for manufacturer and importer plus obligation for registered resellers.

Liability moment :
According to the Copyright Act the liability arises at the moment of import. According to agreements between Copyswede and the industry the remuneration is paid when the products are sold on.

Cooperation customs : No

Export refund :
According to the law the levy does not apply to exported goods. The liability to pay arises at the moment of import. However the agreement between Copyswede and the industry allows the importer to pay the levy at the moment of sale. The importers are then exempted from the payment of the levy for products that are exported.

Legal penalty for omission : Yes, legal penalty

If an importer or manufacturer refuses to report and pay the levies, Copyswede can take legal actions in accordance with general civil rights regulations. Also general criminal provisions may be applicable.

Control of obligated parties :
Copyswede has the possibility to audit the accounts of an importer or manufacturer through the agreements signed by them. Copyswede has a market controller who regularly audits the liable parties who are registered with Copyswede.

Who sets the levies?
The law states levies for different types of products. The law also provides, under certain circumstances, the possibility to negotiate the tariffs.
Copyswede has through negotiations with the industry agreed on lower tarrifs compared to the levies stated in the law. The negotiated tariffs are based on the amount of copies of copyright protected content that the consumers are making which is measured through consumer behaviour studies.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
After propositions from Copyswede, negotiations with the organizations of rightsholders takes place.

Audio scheme :
- 5,33 % to Union of Broadcasting Organizations

The remaining part is distributed as follows (2006)
- 33,3 % - STIM
- 33,3 % - SAMI
- 33,3 % - IFPI

Video scheme :
- 5,33 % to Union of Broadcasting Organisations

The remaining part is distributed as follows
- 33 % Video and film producers
- 67 % Copyswede/IFPI

Copyswede´s and IFPI´s part is distributed as follows (2006)
- 17,84 % - Play writers
- 3,40 % - Writers
- 0,52 % - Translators
- 2,18 % - Journalists
- 15,18 % - Directors
- 1,67 % - Stage designers
- 0,64 % - Choreographers
- 24,74 % - Actors
- 0,49 % - Dancers
- 13,73 % - STIM (authors of musical works)
- 8,29 % - Musicians/conductors
- 3,42 % - Singers/performers
- 3,25 % - IFPI/SAMI
- 2,61 % - Directors of photography
- 0,32 % - Editing, cutting and light
- 1,72 % - Still

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	€ 0,14	60 minutes
Minidisc	€ 0,15	80 minutes
Audio-cd r/rw	€ 0,15	80 minutes
Data-cd r	€ 0,06	900 MB
Data-cd rw	€ 0,09	900 MB

Video levies		
	Levy	Capacity
Videocassette	€ 0,42	180 minutes
DVD+ r	€ 0,25	4,7 GB
DVD+ rw	€ 0,40	4,7 GB
DVD - r	€ 0,25	4,7 GB
DVD - rw	€ 0,40	4,7 GB
DVD ram	€ 0,40	4,7 GB
DVD double-layer	€ 0,45	8,5 GB

Devices levies		
	Levy	Capacity
MP3 player	€ 0,08	256 MB
	€ 0,33	Per GB (1-49 GB)
	€ 16,30	50-80 GB
	€ 20,90	81-160 GB
	€ 23,30	161-250 GB
	€ 27,90	>250 GB
DVD harddisk recorder	€ 13,00	40 GB
	€ 16,30	50-80 GB
	€ 20,90	81-160 GB
	€ 23,30	161-250 GB
	€ 27,90	> 250 BG
Settop box (+harddisk) and TV (+harddisk)	€ 13,00	40 GB
	€ 16,30	50-80 GB
	€ 20,90	81-160 GB
	€ 23,30	161-250 GB
	€ 27,90	> 250 BG

28. SWITZERLAND

CONTACT INFORMATION

Population : 7.705.800 **Currency:** € 1 = CHF 1,54
Organisation : SUISA
Internet : www.suisa.ch
Email : suisa@suisa.ch
Phone : +41 44 485 66 66
Fax : +41 44 482 43 33
Address : Bellariastrasse 82 / Postfach 782 / 8038 Zürich

LEGISLATION AND FUNDAMENTALS

Legal basis : New Copyright Law of 9.10.1992. Entered into force as per July 1st, 1993

Collecting society :
SUISA on behalf of SUISSIMAGE, Pro Litteris, SSA (dramatic works) and Swissperform (neighbouring rights, incl. film producers)

Legal status :
No legal monopoly.
Legal obligation for copyright societies to collect levies with a common tariff; responsible society is SUISA

Liable party : Manufacturer, importer or headquarter of chain

Obligation to report : No legal obligation to report to SUISA

Liability moment :
Upon import or when blank carriers leave site of manufacturer.
Contractual: Upon distribution to local market.

Cooperation customs : No

Export refund : Refund to the importer for an export documents

Legal penalty for omission : No legal penalty

But the tariff provides that the amount of the levy will be doubled for all blank carriers not properly declared by the importers

Control of obligated parties : Audits

Who sets the levies?
Negotiations, if there is no result an Arbitration Commission (appointed by Ministry of Justice) decides.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
The collecting societys are setting the distribution schemes according to surveys/studies regarding the use of blank media.
According to art. 60 of the Swiss Copyright Law the shares copyright : neighbouringright is 3 : 1.

Audio scheme :
Tapes
- 67,5 % - SUISA (music authors)
- 5,025% - ProLitteris (lit. Photographers)
- 2,475 % - SSA (dramatic works)
- 25% - Swissperform (artist, producers)lease fill in receiving parties and percentages

CD-R
- 55,05% - SUISA (music authors)
- 6,225% - ProLitteris (lit. Photographers)
- 2,475% - SSA (dramatic works)
- 11,25% - SUISSIMAGE (film authors, producers)
- 25% - Swissperform (artists, producers)

Video scheme :
Tapes
- 9,4875 % - SUISA (music authors)
- 5,325% - ProLitteris (lit. Photographers)
- 2,6625% - SSA (dramatic works)
- 57,525% - SUISSIMAGE (film authors, producers)
- 25% - Swissperform (artists, producers)

DVD
- 13,2% - SUISA (music authors)
- 6,525% - ProLitteris (lit. Photographers)
- 2,775% - SSA (dramatic works)
- 52,5% - SUISSIMAGE (film authors, producers)
- 25% - Swissperform (artists, producers)

Other :
HD and Flash digital storage media built in recording devices for 2008.

Audio
- 58.7 % - SUISA (music authors)
- 4.37% - ProLitteris (lit. Photographers)
- 2.15 % - SSA (dramatic works)
- 9.78% - SUISSIMAGE
- 25% - Swissperform (artist, producers)

Video
- 9.49 % - SUISA (music authors)
- 5,325% - ProLitteris (lit. Photographers)
- 2,66.% - SSA (dramatic works)
- 57,525% - SUISSIMAGE (film authors, producers)
- 25% - Swissperform (artists, producers)

Collective purposes : Yes
10 % for social and cultural aims.

Observations :
End of February 2009 SUISA presented a proposal for a new tariff on music-mobilephones to the Swiss arbitration commission. Before there was no result in the negotiations with the importers and telecom providers. Therefore the commission will have to decide on our proposal. A decision will be taken within the next seven months.

LEVIES

Audio levies			
	Levy	Capacity	Discount
Audiocassette	€ 0,21	60 Min.	5 % contractual discount
Minidisc	€ 0,21	60 Min.	5 % contractual discount
Hi-MD	€ 0,21	60 Min.	5 % contractual discount
Audio-cd r/rw	€ 0,21	60 Min.	5 % contractual discount
Data-cd r/rw	€ 0,03	525 MB	5 % contractual discount

Video levies			
	Levy	Capacity	Discount
Videocassette	€ 0,29	60 Min.	5 % contractual discount
DVD+ r/rw	€ 0,23	4,7 GB	5 % contractual discount
DVD- r/rw	€ 0,23	4,7 GB	5 % contractual discount
DVD ram	€ 0,65	4,7 GB	5 % contractual discount
DVD double-layer	€ 0,65	4,7 GB	5 % contractual discount

Devices levies			
	Levy	Capacity	Discount
Digital jukebox	€ 0,30	per 1 GB	5 % contractual discount
MP3 player	€ 9,66	1 GB	5 % contractual discount
	€ 10,39	2 GB	5 % contractual discount
	€ 12,44	4 GB	5 % contractual discount
	€ 14,55	8 GB	5 % contractual discount
	€ 18,77	16 GB	5 % contractual discount
	€ 27,20	32 GB	5 % contractual discount
DVD harddisk recorder	€ 0,22	per 1 GB	5 % contractual discount
Cable/Sat-Settop-Box with Harddisk	€ 0,22	per 1 GB	5 % contractual discount

29. TURKEY

CONTACT INFORMATION

Population : 71.517.100 **Currency:** € 1 = TL 1,34
Organisation : Phonogram Producers' Collecting Society (IFPI National Group, Turkey)
Internet : www.mu-yap.org
Email : disiliskiler@mu-yap.org
Phone : +90 212 292 46 13
Fax : +90 212 292 46 17
Address : Turnacibasi Cad.Kuloglu Mahallesi No:10, Beyoglu, Istanbul

LEGISLATION AND FUNDAMENTALS

Legal basis :
Turkish Copyright Law, article 38 and article 44.
Private copying is allowed according to the Article 38 but levies are not regulated in the Law. However there is an obligation to pay an amount from the blank carriers and devices for importers and manufacturers to the account of the Ministry of Culture and Tourism (MOCT).

Collecting society :
NO, collection of remunerations is done by the Minister of Culture and Tourism (MOCT)

Legal status : Ministry of Culture and Tourism has the legal monopoly.

Liable party : Manufacturers and importers.

Obligation to report :
Yes. Importers and manufacturers have to report their imports and manufacturing quantities and prices to the Ministry of Culture and Tourism according to the Decision of Government.

Liability moment :
For importers before the custom declaration of devices and blank carriers upon CIF amount. For manufacturers, in 15 days after distribution of the devices and carriers to local market in amount upon the manufacturing prices.

Cooperation customs : No

Legal penalty for omission : No legal penalty
There isn't any special regulation about the penalty.

Control of obligated parties : No controlling instruments.

Who sets the levies?
Blank media/devices and amount of payment are determined by the Government.
The tariff is determined by decision of Government based on the General Tariff Statistic Position Number

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
No distribution scheme.
Right holders haven't got any fair compensation from these payment and all these revenues from blank media and devices are exploited by the Ministry of Culture and Tourism.

Collective purposes : Yes
The Ministry of Culture and Tourism is fully authorized to use these amounts for cultural purposes.

Observations :
Private copying is regulated in Turkish Copyright Law but fair compensation is not included. Levies are not explicitly regulated. There is an obligation to pay an amount (not exciding 3% upon manufacturing price or importing fee) from the blank media and devices for manufacturers and importers but these are not levies in the Copyright Law.
Article 38 and 44 have to amend according to the Copyright Directive 2001/29 and international agreements. The articles are following for your information.

Art. 38. (Amendment: 7.6.1995 - 4110/14; 21.2.2001 - 4630/19) It is permitted to reproduce all intellectual and artistic works for personal use without pursuing profit. However, such reproduction may not prejudice the legitimate interests of rightholders without good reason or conflict with the normal exploitation of the work.
Art.44 (second and other related paragraph): (Amendment: 21.2.2001 - 4630/23) Natural and legal persons who manufacture or import for commercial purposes any kind of materials carrying works such as blank video cassettes, audio cassettes, computer discs, CDs, DVDs and all kinds of technical equipment which serve the reproduction of intellectual and artistic works are obliged to collect every month and deposit, until the middle of the following month at the latest, in a special account to be opened with a national bank in the name of the Ministry of Culture and Tourism, an amount to be determined by the Council of Ministers not exceeding 3% of the manufacturing or importation costs. (Addition: 14.7.2004 - 5217/17) A quarter of the amounts collected in the special account shall be transferred to the account of the Ministry of Culture Central Accounting Office and shall be recorded as revenue in the budget.

(Amendment: 21.2.2001 – 4630/23; 14.7.2004 - 5217/17) The amounts remaining in this account shall be used the purpose of strengthening the intellectual property system and the execution of cultural and artistic activities. The rules and procedures concerning the distribution and use of these monies shall be determined with a by-law to be issued by the Ministry of Culture and Tourism. The allowance which is necessary for activities concerning the protection of the cultural heritage within and outside the country shall be placed in the budget of the Ministry.

(Amendment: 3.3.2004 - 5101/15) Rules and procedures regarding the application of this article and the fees to be collected shall be determined with a by-law to be issued by the Ministry of Culture.