

International Survey on Private Copying Law & Practice

19th Revision 2008



de Thuiskopie



INTRODUCTION

Stichting de ThuisKopie (the Dutch Private Copying Society) has compiled all relevant information on Private Copying regulation in Europe for 2008. We proudly present to you the 19th edition of our 'International Survey on Private Copying Law & Practice'.

This report proved to be of importance to everyone involved in the field of Private Copying regulation for years now. From the collecting societies that submit all relevant information to the politicians and other decision making parties in the field of private copying and copyright. With the growing interest of both politicians and the public, it becomes even more important for collecting societies to work together on more transparency and insight in the various systems.

Once again we added new countries to the Survey in order to keep the development of the international (private copying) community ongoing. The Estonian and Turkish colleagues have submitted their information this year which brings the countries involved at a total of twenty seven.

Stichting de ThuisKopie believes the International Survey will be very useful to all of you and hopes it stimulates a realistic international discussion on private copying matters, copyright and neighboring rights as a whole.

Best regards,

De ThuisKopie

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TABLE OF CONTENT

1.	CONTACT INFORMATION	3
2.	SUMMARY	4
	I. TARIFFS ON BLANK CARRIERS	4
	II. TARIFFS ON DEVICES	5
	III. ADDITIONAL INFORMATION	6
3.	AUSTRIA.....	7
4.	BELGIUM.....	10
5.	CANADA.....	13
6.	CROATIA	16
7.	CZECH REPUBLIC (OSA).....	19
8.	CZECH REPUBLIC (INTERGRAM).....	22
9.	DENMARK.....	26
10.	ESTONIA.....	29
11.	FINLAND	32
12.	FRANCE	36
13.	GERMANY.....	41
14.	GREECE	45
15.	HUNGARY.....	47
16.	ICELAND	51
17.	ITALY	53
18.	JAPAN	56
19.	LATVIA.....	60
20.	LITHUANIA.....	63
21.	THE NETHERLANDS	66
22.	NORWAY.....	69
23.	POLAND.....	70
24.	PORTUGAL.....	73
25.	SLOVAKIA	76
26.	SLOVENIA.....	78
27.	SPAIN	81
28.	SWEDEN	84
29.	SWITZERLAND	89
30.	TURKEY.....	92

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	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
Iceland	IHM	www.stef.is
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 figures in this report are in Euro (€). Currencies are converted to Euro by the rates of March 1st 2008.

Country	Data cd-r	DVD-	DVD+
Austria	0,34	0,24	0,24
Belgium	0,10	0,59	0,59
Canada	0,13	-	-
Croatia	0,01	0,01	0,01
Czech Republic (OSA)	0,016	0,04	0,04
Czech Republic (Intergram)	0,02	0,04	0,04
Denmark	0,27	0,42	0,42
Estonia	8% of import price		
Finland	0,20	0,60	0,60
France	0,35	1,00	1,00
Germany	0,0288	0,174	0,174
Greece	6% of the value		
Hungary	0,16	0,41	0,41
Iceland	0,21	0,63	0,63
Italy	0,25	0,58	0,58
Japan	-	1% of base price	
Latvia	0,28	0,28	0,28
Lithuania	6% of import price		
The Netherlands	0,14	0,60	0,40
Norway	Annual compensation by government (no levies)		
Poland	3% of sale price.		
Portugal	0,05	0,14	0,14
Slovakia	6% of sale price		
Slovenia	0,03	0,03	0,03
Spain	0,21	0,60	0,60
Sweden	0,10	0,32	0,32
Switzerland	0,03	0,59	0,24
Turkey	Amount of compensation set by Government		

II. TARIFFS ON DEVICES

All figures in this report are in Euro (€). Currencies are converted to Euro by the rates of March 1st 2008.

Country	Mp3 player (per 256Mb)	Harddisk DVD-recorder (per 80Gb)	Memory card (per 1Gb)
Austria	3,-	9,-	5,25
Belgium	-	3% of purchasing price (x1,2) or 3% of sale price	-
Canada	-	-	-
Croatia	1,92	4,12	0,55
Czech Republic (OSA)	1,5% of import price or sale price	1,8% of import price or sale price	0,4802
Czech Republic (Intergram)	3% of sale price		0,46
Denmark	-	-	0,61
Estonia	-	3% of sale price	
Finland	4,-	15,-	-
France	2,-	15,-	0,09
Germany	2,56	9,21	-
Greece	6% of the value		
Hungary	2,41	12,07	2,41
Iceland	4%	-	-
Italy	3% of retail price		
Japan	-	1% of base price	-
Latvia	1,42	1,42	-
Lithuania	-	-	-
The Netherlands	-	-	-
Norway	Annual compensation by government (no levies)		
Poland	3% of sale price		1% of sale price
Portugal	-	-	-
Slovakia	3% from the total income of the sale of devices		
Slovenia	1,04	6,26	0,03
Spain	0,60	6,61	3,84
Sweden	0,10	20,-	-
Switzerland	0,015	16,80	11,26
Turkey	Amount of compensation set by Government (<3% of import/manufacturers price)		

III. ADDITIONAL INFORMATION

- ❖ **GREECE:** Private copying exception and remuneration scheme exist, but levies haven't been paid by liable parties since organisations of rightsholders can't reach an agreement on the distribution schemes. Decision is still pending and therefore no levies have been collected since 2000.
- ❖ **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.
- ❖ **IRELAND:** No private copying exception or remuneration scheme.
- ❖ **CYPRUS:** No private copying exception or remuneration scheme.
- ❖ **ICELAND:** No updated information available at time of publishing.

3. AUSTRIA

CONTACT INFORMATION

Population : 8.199.783
Organisation : AUSTRO MECHANA
Internet : www.aume.at
Email : office@aume.at
Phone : +43 1 717 87 641
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 or importer
Extention: Reseller's also liable when purchasing more than 5.000 hours audio or 10.000 hours video in half a year.

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

Liability moment : Upon distribution to the local market.

Corporation customs : Yes

Export refund : After presenting the export invoice refund is given.

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 about the shares active for a specific period.

Audio scheme :

Audio analogue: 43,00% Austro-Mechana (musical works)
7,00% Literar-Mechana (literary works)
41,50% LSG
3,00% Oestig (LSG & Oestig represent Neighbouring Rights)
5,50% VGR (Broadcasting Rights)
Audio digital: 49,50% Austro-Mechana + Literar-Mechana
48,50% LSG
1,00% Oestig
1,00% VGR

Video scheme :

Video analogue: 19,10% Austro-Mechana
(in negotiation) 12,90% Literar-Mechana
4,95% LSG
1,55% Oestig
23,82% VAM
2,00% VBK
18,68% VDFS
17,00% VGR
Video digital: 78,00% of the revenues as Video analogue
(in negotiation) 22,00% of the revenues as Audio digital

Other : current negotiations

Data CD-R/RW 87,00% of the revenues as Audio digital
13,00% of the revenues as Video analogue
MP3 50% Austro-Mechana
50% LSG
Harddiscs in DVD Recorder / Sat Receiver

Collective purposes : Yes.

Funds for collective purposes are used for social and cultural aims.

Observations : Austro Mechana has requested reporting the usage of mobile phones for musical purposes. The obligated parties refused these claims, so Austro Mechana will be prosecuting them.

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 min / 700Mb	0,24
Data-cd r/rw	0,34	80 min / 700Mb	0,23
Memory cards	3,00	< 256Mb	2,00
	4,50	256 - 512Mb	3,00
	5,25	512Mb - 1Gb	3,50
	9,00	1 - 4Gb	6,00
<i>Additional info</i> Memory cards not levied solely, but only in conjunction with an MP3 Player.			

Video levies			
	Levy	Capacity	Discount
Videocassette	0,81	180 minutes	0,54
DVD+R/ -R	0,24	120 min / 4,7Gb	5%
DVD+RW/ -RW	0,59	120 min / 4,7Gb	5%
DVD ram	0,59	120 min / 4,7Gb	5%
DVD double-layer -R/+R	0,48	240 min / 8,5Gb	5%
DVD double-layer -RW/+RW	1,18	240 min / 8,5Gb	5%
Blu-Ray	2,87	25Gb	1,91
HD-DVD	2,87	25Gb	1,91

Devices levies			
	Levy	Capacity	Discount
Digital jukebox	9,00	< 30Gb	6,00
	10,50	30 - 60Gb	7,00
	12,00	> 60Gb	8,00
MP3 player	3,00	< 256Mb	2,00
	4,50	256 - 512Mb	3,00
	5,25	< 1Gb	3,50
	6,00	1 - 4Gb	4,00
	9,00	4 - 30Gb	6,00
DVD recorder & settopbox (with integrated hardisk)	4,50	< 40Gb	3,00
	9,00	40 - 80Gb	6,00
	15,00	80 - 160Gb	10,00
	18,00	160 - 250Gb	12,00
	22,50	250 - 400Gb	15,00
	30,00	> 400Gb	20,00
<i>Additional info</i> Levies on integrated storage, not solely on the device.			

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

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 : Article 4 of the Royal Decree of 28 March 1996. It concerns both exports as 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 which equals twice 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? Government

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 to rightsholders (authors, performers and producers) .

for 2005: 40,79%

for 2006: 40,88%

for 2007: not yet available

Video scheme : Distribution to rightsholders (authors, performers and producers) .

for 2005 : 59,21%

for 2006: 59,12%

for 2007: not yet available

Collective purposes : No

Observations :

1. Tariff negotiations in progress
2. Since May 2005 Auvibel's awaiting Royal decrees to execute the transposition of the "European Directive for the Information Society" into Belgian Law.
3. Market study on devices and media is 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
<i>Additional info</i>		
- Data cd-r/rw: 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 tapes	0,1239	per 60 minutes
<i>Additional info</i>		
- DVD: 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 harddisk 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%
<i>Additional info</i>	
The levy on computers and components is 0 % The levy of 3% or 1,5% is 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% is based on the sale price.	

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 :

66% - SOCAN (Composers, Authors and Music Publishers), CMRRA (Publishers) and SODRAC (Authors, Composers and Publishers)

18.9% - NRCC (Eligible Performers)

15.1 % -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 2007, the CPCC retained 11.53% of revenue for expenses.

Observations : The CPCC is a non-profit corporation run by collectives representing rightsholders and only withholds those funds necessary to defray its costs of administration.

Media sold to purchasers with a perceptual disability are exempt.

Media sold to those companies who have registered in the CPCC's Zero-rating program are exempt. This 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.

In February 2007, the CPCC applied to the Copyright Board in its proposed 2008-2009 Private Copying Tariff for a levy on digital audio recorders. The Copyright Board held that it could hear evidence relating to this proposal. This decision of the Copyright Board was appealed and in January 2008, the Federal Court of Appeal ruled that the Copyright Board could not hear evidence in support of a private copying levy on digital audio recorders.

In May 2007, the Copyright Board reduced the levy on audio cassettes from \$0.29 to \$0.24 and the levies on MiniDiscs, CD-R Audio and CD-RW Audio from \$0.77 to \$0.21 effective January 1st 2005. There was no change to the rates for CD-R and CD-RW.

The CPCC has proposed for the 2008-2009 Private Copying Tariff that the levy on CD-R and CD-RW be increased to \$0.29.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	0,15	Per unit / > 40 Min
Minidisc	0,13	Per unit
Audio-cd r/rw	0,13	Per unit
Data-cd r/rw	0,13	Per unit

6. CROATIA

CONTACT INFORMATION

Population	: 4.493.312	Currency	: € 1,- = HRK 7,95
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 authors of musical works, but also for other rightsholders, 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).

Legal status : HDS ZAMP is in charge of the collective administration for authors of musical works.

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

Liability moment : Upon distribution to local market.

Obligation to report : Importers and producers of blank media or reproduction devices

Cooperation customs : Yes

Export refund : No need for refunding; exports are exempted.

Legal penalty for omission : Yes, legal penalty.

Several firms (at the moment less than 10) refused to report. HDS ZAMP raised lawsuits against them at the Commercial Court. Importers are not end-users nor distributors of works, so there is no legal basis for holding them responsible for a criminal act.

Control of obligated parties : Yearly reports from customs and, if needed, control insight in importer's administration.

Who sets the levies?

According to the Copyright Law Act the above mentioned societies of rightsholders are entitled to set the height of the tariffs, but they usually do it after negotiations with the users or other obligated parties.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?

Distribution schemes are set depending on the agreed shares of audio and video components in each product.

Audio scheme :

40% HDS (music authors)
40% HUZIP (performers and phonogram producers)
30% ZAPRAF (phonogram producers)

Video scheme :

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

Other : HDS ZAMP expects the rightsholders of literary works, as well as photographers, to join the other rightsholders already in the private copying system this year.

Collective purposes : Yes

30% for social and cultural purposes.

Observations : The situation in Croatia is new and under control now. Almost every importer is willing to pay the levies (up to 90% of the importers have the appropriate agreements). Importers not willing to pay the levies are taken to court. Parties also have agreed that remuneration for 2006 is due by the end of 2009. Statistics will be used as sales figures and can be submitted before April 15th 2008. If parties fail to submit the proper statistics, HDS ZAMP will use the 2007 figures for 2006 as well in order to compensate the rightsholders sufficiently.

LEVIES

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

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

Devices levies				
	Levy	Capacity	Discount	
MP3 player	1,92	Per unit	15% for the regular payments 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 harddisk	0,27	Per unit		
Memory Card	0,55	<16Gb		
	1,10	>16 Gb		
USB Stick	0,55	<16Gb		15% discount for the regular payments and up to 35% discount or more for the members of the importers societies (depending on the market share).
	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		
Apple iPod	1,95	Per unit		
Mobile phone with mp3-player function	1,37	Per unit		
Hi-fi HD recorder	5,50	Per unit		

7. CZECH REPUBLIC (OSA)

CONTACT INFORMATION

Population	: 10.228.744	Currency	: € 1,- = 24,99 CZK
Organisation	: OSA (Performing & Mechanical Rights Society of composers/authors/publishers)		
Internet	: www.osa.cz		
Email	: info@osa.cz		
Phone	: +42 220 315 111		
Fax	: +42 233 343 073		
Address	: Čs. armády 20, 160 56 Praha 6		

LEGISLATION AND FUNDAMENTALS

Legal basis	: Copyright law and Ministerial regulation.
Collecting society	: OSA/INTERGRAM, OSA collects also on behalf of DILIA and OOA-S.
Legal status	: Legal monopoly, regulated by Ministry of culture.
Liabile party	: Importers and local producers.
Obligation to report	: Importers and local producers (Copyright law).
Liability moment	: Upon import or production; reports every 6 months.
Cooperation customs	: Yes
Export refund	: The companies don't pay the remuneration when they import the blank carriers or devices from outside 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 (imports from outside the EU) and extrastat (imports from within the EU).
Who sets the levies?	: The levies are set by a Ministerial regulation (Ministry of Culture).

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?

The distribution schemes are set by OSA, Dilia, OOA-S and INTERGRAM by their internal regulations. OSA distributes to authors only (twice a year).

Audio scheme :

50% - Authors (OSA)

50% - Producers & performers (Intergram)

Video scheme :

60% - Authors (OSA)

25% - Producers (Intergram)

15% - Performers (Intergram)

Collective purposes : No

Observations : From the second half of 2007 remuneration was changed for some blank carriers. The split between the OSA and INTERGRAM remuneration has been altered in some cases.

LEVIES

Audio levies			
	Levy	Capacity	OSA Share of collected levy
Audiocassette	0,06	< 60 min	50%
	0,08	> 60 min	50%
Minidisc	0,16	Per unit	52,5%
CD-r	0,016	Per unit	53%
CD-rw	0,08	Per unit	53%

Video levies			
	Collected levy	Capacity	OSA Share of collected levy
Videocassette	0,12	< 180 min	60%
	0,16	> 180 min	60%
DVD r (all formats)	0,04	Per unit	58,7%
DVD rw (all formats)	0,20	Per unit	58,7%

Devices levies			
	Levy	Capacity	
Audio devices			
<i>Audio devices for reproduction on magnetic tape, optical carrier, integrated harddisk, memory card, flash memory of a combination of these techniques)</i>	1,5%	Per unit	
	<i>Percentage of the import price (importers) or of the first sale price (manufacturers)</i>		
Radio receiver with recorder			
<i>For reproduction on magnetic tape, optical carrier, integrated harddisk, memory card, flash memory of a combination of these techniques)</i>	0,75%	Per unit	
	<i>Percentage of the import price (importers) or of the first sale price (manufacturers)</i>		
Video devices			
<i>Video devices for reproduction on magnetic tape, optical carrier, integrated harddisk, memory card, flash memory of a combination of these techniques)</i>	1,8%	Per unit	
	<i>Percentage of the import price (importers) or of the first sale price (manufacturers)</i>		
TV receiver with recorder			
<i>For reproduction on magnetic tape, optical carrier, integrated harddisk, memory card, flash memory of a combination of these techniques)</i>	0,9%	Per unit	
	<i>Percentage of the import price (importers) or of the first sale price (manufacturers)</i>		
	Levy	Capacity	OSA Share of collected levy
Computer harddisk (external)	0,4001	Per 40GB	58%
Computer harddisk (internal)	3% import price	Per unit	58%
Computer CD-writer	3% import price	Per unit	53%
Computer DVD-writer	3% import price	Per unit	58%
Computer memory card writer	3% import price	Per unit	53%
Memory Card	0,2401	Per 512MB	53%

8. CZECH REPUBLIC (INTERGRAM)

CONTACT INFORMATION

Country	: 10.228.744	Currency	: € 1,- = 25,72 CZK
Organisation	: INTERGRAM (Association of Producers & Performers)		
Internet	: www.intergram.cz		
Email	: intergram@intergram.cz		
Phone	: +42 222 311 392		
Fax	: +42 222 323 341		
Address	: Na Porici 27, 110 00 Prague 1		

LEGISLATION AND FUNDAMENTALS

Legal basis : Law Nr. 121/2000 Coll. as amended..

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”) or 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 and number of the sold, imported or received devices for making reproductions or fixations, devices used for printing reproductions, and blank carriers, and also on the total number of the printed reproductions made by the devices for providing paid reproduction services.

Legal penalty for omission : No legal penalty.

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.

Control of obligated parties :

The only control are 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 or 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, or to learn details necessary for the enforcement of rights ensuing from this Act, or to learn the data needed for claiming the rights ensuing hereof.

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

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

Cooperation customs : No

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 audio-visual 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 text, camera operators, architects, 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 fixations and 15% for performers).

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 stick	0,23	Per 512Mb

Video levies		
	Levy	Capacity
Videocassette	0,12	< 180 min
Videocassette	0,16	> 180 min
DVD recordable	0,04	Per unit
DVD rewritable	0,19	Per unit
HDD not embeddable in personal computers	0,39	Per 40Gb

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 harddisk recorder	3%	Per unit
Computer harddisk	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 writer	3%	Per unit
RTV sets with recording function (broadcasts)	1,5%	Per unit
<i>Additional info</i>		
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	: 5.468.120	Currency	: € 1,- = DKK 7,55
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 authorisation 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.

Corporation 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	0,51	Per hour
Minidisc	0,27	Per unit
Hi-MD	0,27	Per unit
Audio-cd r/rw	0,27	Per unit
Data-cd r/rw	0,27	Per unit

Video levies		
	Levy	Capacity
Videocassette	0,71	Per hour
DVD+ r/rw	0,42	Per unit
DVD- r/rw	0,42	Per unit
DVD double-layer	0,42	Per unit
Blu-Ray	0,42	Per unit
HD-DVD	0,42	Per unit

Devices levies		
	Levy	Capacity
Memory Card	0,61	Per unit
USB Stick	0,61	Per unit

10. ESTONIA

CONTACT INFORMATION

Population : 1.340.600
Organisation : EAU
Internet : www.eau.org
Email : eau@eau.org
Phone : +37 266 843 60
Fax : +37 266 843 61
Address : Lille 13, 10614-Tallinn

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.
(The reseller is liable in case of the manufacturer/ importer, or the person who brings storage media and recording devices into Estonian territory, fails to pay the remuneration.)

Liability moment : Upon distribution to local market

Obligation to report : Parties have a legal obligation to report

Cooperation customs : No

Export refund : Refund is possible when carriers are exported or transported from Estonia into the EU territory

Legal penalty for omission : Yes, legal penalty.

Control of obligated parties : EAU has the right to obtain all necessary information from customs authority, statistical organisations, manufacturing and importing organisations and resellers. Importers can also be controlled by accountants. And then there's the regular 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 is distributed based on the distribution plan of a committee appointed by the Minister of Culture (yearly). This committee is equally 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 to finance educational and research programmes, or for use thereof for similar purposes (deduction maximized at 10%).

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

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	8%	Per unit
Minidisc	8%	Per unit
Data-cd r/rw	8%	Per unit
<i>Additional info</i>		
All tariffs are percentages of the manufacturers 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
<i>Additional info</i>		
All tariffs are percentages of the manufacturers price or the import price		

Devices levies		
	Levy	Capacity
VHS and DVD recorder (external)	3%	Per unit
Audiocassette and CD recorder (external)	3%	Per unit
<i>Additional info</i>		
All tariffs are percentages of the manufacturers price or the import price		

11. FINLAND

CONTACT INFORMATION

Population : 5.238.460
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) 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 : Appointed by Ministry of Education for a maximum period of 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.

Obligation to report : Legal obligation for importers and manufacturers to report to Teosto. Dealers and retailers are legally obliged to report on request of Teosto.

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

Corporation customs : Yes

Export refund : Refund is stipulated by law and Finland has a refund system. 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 practises).

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 wilfully 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 fulfil 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 where 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? Ministry of Education annually sets the level of the remuneration after negotiations with manufacturers, importers and organisations representing authors. The scope of the private copying remuneration is also decided annually by the Ministry of Education. The Ministry of Trade and the Ministry of Transport give their opinion on the matter before the final decision is made.

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 rightsholders partly for collective purposes of rightsholders.

Audio scheme : (65% of collected levies go to individual rightsholders):

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

Video scheme : (50% of collected levies go to individual rightsholders):

- 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 expressly 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
<i>Additional info</i> DVD: tariff is per unit with capacity of over 1 Gb (max. 10Gb). There is no remuneration on 8cm discs.		

Devices levies
Digital recorders with integrated storage capacity, for example, mp3-recorders and set-top boxes with hard discs: 4 euros upto 512 Mb; 7 euros over 512 Mb - max. 1 Gb; 10 euros > 1 Gb - max. 20 Gb; 12 euros > 20 Gb - max. 50 Gb; 15 euros > 50 Gb - max. 150 Gb; 18 euros > 150 Gb - max. 250 Gb; 21 euros > 250 Gb. <i>(No levies on mobile phones, computers or usb-sticks).</i>

12. FRANCE

CONTACT INFORMATION

Population : 60.876.136
Organisation : SORECOP & COPIE FRANCE
Internet : www.sorecop.fr
Email : charles.henri.lonjon@sacem.fr ; cecile.kremnicky@sacem.fr
Phone : +33 147 158 753 / +33 147 158 756
Fax : +33 147 158 797
Address : 225 avenue Charles de Gaulle - 92528 Neuilly sur Seine Cedex - France

LEGISLATION AND FUNDAMENTALS

Legal basis : Articles no. L311-1 up to L311-8 CPI, livre III, titre I, du Code de la Propriété Intellectuelle (Intellectual Property Code).

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 the two.

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

Liable party : Manufacturer, importer or intracommunautaire acquiring person.

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

Liability moment : Upon distribution to local market.

Corporation customs : No

Export refund : When distributors or 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.

Who sets the levies? The tariffs are set by a specific administrative commission composed of 24 members: 12 representatives of rightsholders organisations, 6 of manufacturers and importers and 6 of consumers' organisations. 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.

Control of obligated parties : The control is aimed at accounting control and movements of stock, under the supervision of a Court judge. In parallel, 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 lead to Court cases and help the police officers in their investigations.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?

There is a "2 step" 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:

Audio: - 50% Authors
- 25% Performers
- 25% Phonogram Producers

Audiovisual: - 1/3 Authors
- 1/3 Performers
- 1/3 Videogram Producers

Written works and visual arts:
- 50% Authors
- 50% Publishers

Collective purposes : Yes

Deduction of 25% is used for cultural purposes as specified in the Intellectual Property Code - art. L 121-9.

Observations : As of May 2008 new tariffs are introduced on mobile phones with music function (walkman-phones). These phones have to comply the following features:

- over 128Mb memory
- dedicated software for music files and dedicated hardware buttons to function as a music player
- restitution of audio/video content

The tariffs vary from €1,- to €10,- per phone and from €5,- to €50 for the harddisks inserted into multimedia phones. The new regulation is temporary (2008); new tariffs will be introduced later.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	28,51	100 hours
Minidisc	45,73	100 hours
Audio-cd r/rw	45,73	100 hours
Data-cd r/rw	0,35	700 Mb
<i>Other</i>		
Micro Floppy disc	0,01	1,44 Mb

Video levies		
	Levy	Capacity
Videocassette	42,84	100 hours
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 hours

Devices levies		
	Levy	Capacity
Memory or harddisk integrated into multimedia device (audio + video)	5,-	< 1Gb
	6,-	1-5Gb
	7,-	5-10Gb
	8,-	10-20Gb
	10,-	20-40Gb
	15,-	40-80Gb
	20,-	80-120Gb
	25,-	120-160Gb
	35,-	160-250Gb
	45,-	250-400Gb
50,-	400-560Gb	

Memory or harddisk integrated into mp3 player or other HiFi device.	1,-	< 128Mb
	2,-	128-256Mb
	3,-	256-384Mb
	4,-	384-512Mb
	5,-	512Mb-1Gb
	8,-	1-5Gb
	10,-	5-10Gb
	12,-	10-15Gb
	15,-	15-20Gb
	20,-	20-40Gb
External multimedia harddisk with audio/video-output to display content on a TV or HiFi device.	7,-	< 80Gb
	10,-	80-120Gb
	12,-	120-160Gb
	15,50	160-250Gb
	20,-	250-400Gb
	23,-	400-560Gb

External multimedia harddisk with audio/video-input to record content + outputs to display the content on a TV or HiFi device.	5,-	< 1Gb
	6,-	1-5Gb
	7,-	5-10Gb
	8,-	10-20Gb
	10,-	20-40Gb
	15,-	40-80Gb
	20,-	80-120Gb
	25,-	120-160Gb
	35,-	160-250Gb
	45,-	250-400Gb
Harddisk integrated in video-recorder, decoder or TV set.	10,-	< 40Gb
	15,-	40-80Gb
	20,-	80-120Gb
	25,-	120-160Gb
	35,-	160-250Gb
	45,-	250-400Gb
External harddisk used with computers only (without the need of any other devices).	0,0597	< 80Gb
	0,0507	80-120Gb
	0,0403	120-160Gb
	0,0333	160-200Gb
	0,0272	200-320Gb
	0,0237	320-400Gb
	0,0200	400-1000Gb
Memory Card	0,144	< 512Mb
	0,090	512Mb-2Gb
	0,072	2-5Gb
	0,062	5-10Gb
	0,059	10-16Gb
USB Stick	0,3	< 512Mb
	0,225	512Mb-1Gb
	0,180	1-2Gb
	0,144	2-5Gb
	0,130	5-10Gb
	0,125	10-16Gb
<i>Additional info</i>		
Exemptions on external (pc) harddisk:		
1. harddisk that runs on three operating systems at the same time		
2. professional use within a technical context		

13. GERMANY

CONTACT INFORMATION

Population : 82.400.996
Organisation : ZPÜ
Internet : www.gema.de/zpue
Email : zpue@gema.de
Phone : +49 894 800 30
Fax : +49 864 800 3290
Address : Rosenheimer Str. 11, D-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 on 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 rightholders.

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

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 preceding half year.

Export refund : § 54 II UrhG. In the case of export the entitlement to remuneration is applicable. ZPÜ does not refund directly to dealers or consumers. ZPÜ does only refund already paid remunerations to the original manufacturer or importer who has paid the levy to ZPÜ. A German dealer or distributor who bought the goods from a German source, can claim the remunerations from the source - the German manufacturer 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 manufacturers can be testified by accountants in case of reasonable doubts concerning the correctness of reports.

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

Observations :

New regulations - 2. basket - in force since 1/1/2008. Until 31/12/2007 levies were set by legislator. The legal remuneration-system set by legislator in 1985 drop out. 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 1/1/2010.

From 1/1/2008 ZPÜ has to negotiate the remuneration with associations of manufacturers and importers before setting new tariffs. By setting new tariffs new criteria have to be considered:

- the real utilisation of devices and blank media for private copying
- the capacity of devices and blank media
- whether blank media is writeable or rewriteable
- the levies may not impair manufacturers
- the remuneration must be economical appropriate to the price of the product

The negotiations are still in progress.

It is now fact that there will be levies for all kinds of digital memories like HDDs, Memory Cards and USB-Sticks.

Arbitration Court Decision, Sept 2007

Decision about remunerations for PCs:

€ 15,- per PC (according to regulations valid until 31.12.2007!) This decision is not legally binding.

A decision from the court of first instance is expected in Autumn 2008.

LG Köln (District Court - court of first instance) Jan. 2008

Decision about internet cross border trade:

An internet dealer - company domiciled in Luxemburg - has an obligation to report to ZPÜ and has to pay the remuneration, when goods are sold to German consumers.

LEVIES

Audio levies			
	Levy	Capacity	Discount
Audiocassette	0,0614	Per 60 minutes	6%
Minidisc	0,08	Per 80 minutes	6%
Hi-MD	0,0614	Per 60 minutes	6%
Audio-cd r/rw	0,08	Per 80 minutes	6%
Data-cd r/rw	0,0288	Per 700Mb	6%
Audio-cd r/rw	0,08	Per 80 minutes	6%
Memory cards	0,25	Per 256Mb	6%
<i>Additional info</i>			
Levy on memory cards only applicable when sold with a device.			
Discount depends on type of agreement between ZPU and industry associations.			

Video levies			
	Levy	Capacity	Discount
Videocassette	0,261	Per 180 minutes	6%
DVD+ r/rw	0,174	Per 4,7Gb/ 240 minutes	6%
DVD- r/rw			6%
DVD ram			6%
DVD double-layer	Negotiations		6%
Blu-Ray			
HD-DVD			
<i>Additional info</i>			
Discount depends on type of agreement between ZPU and industry associations.			

Devices levies			
	Levy	Capacity	Discount
Digital audio/video player	18,42	Per unit	6,5%
Digital audio player	2,56	Per unit	6,5%
CD writer (internal)	7,5	Per unit	Special tariff 6,-
CD recorder (external)	1,28	Per unit	6% / 6,5%
DVD writer (internal)	9,21	Per unit	Special tariff 7,37
DVD recorder	9,21	Per unit	6% / 6,5%
DVD harddisk recorder	18,42	Per unit	6% / 6,5%
Blu-Ray recorder	9,21	Per unit	Special tariff 7,37
HD-DVD recorder	9,21	Per unit	Special tariff 7,37
HiFi tape recorder	1,28	Per unit	6% / 6,5%
TV with recorder	9,21	Per unit	6% / 6,5%
	18,42	Per unit	6% / 6,5%
Video recorder	9,21	Per unit	6% / 6,5%
<i>Additional info</i>			
Discount depends on type of agreement between ZPU and industry associations.			

14. GREECE

CONTACT INFORMATION

Population : 10.706.290
Organisation : AEPI
Internet : www.aepi.gr
Email : mechlegal@aepi.gr
Phone : +32 111 029 001
Fax : +32 106 851 576
Address : Fragoklissias & 51, Samou Str., 151 25 Amaroussio

LEGISLATION AND FUNDAMENTALS

Legal basis : Article 18 of Law on Copyright and Neighbouring rights. As amended by the laws 2435 (1996), 3049 (2002), 3207 (2003).

Collecting society: AEPI

Legal status : No legal monopoly

Liable party : Manufacturers and importers

Obligation to report : Law states that the liable party must report to the Organisation of Intellectual Property (OIP) whenever a collecting society serves a written note with this request.

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

Corporation customs : No

Legal penalty for omission : Yes, legal penalty.

Within one month from the date of providing all relevant information, the liable party must submit a signed declaration to the OIP. When the liable party fails to deliver this declaration, a single-member Court of First Instance issues a hearing. If the debtor once again fails to deliver the needed declaration a fine will be issued. After that other penal actions are possible.

Control of obligated parties : Each collecting society is entitled to demand an audit at its own expenses. If a debtor refuses, a Court conducts the audit. Each audit/report is submitted to the OIP (copies to collecting society). Only on audit (one collecting society) per debtor's case.

Who sets the levies? Legislator

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?

Legislator

Collective purposes : No

Observations: Private copying exception and remuneration scheme exist, but levies haven't been paid by liable parties since organisations of rightsholders can't reach an agreement on the distribution schemes. Decision is still pending and therefore no levies have been collected since 2000.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	6%	Per 60 Minutes
Minidisc	6%	Per 80 Minutes
Audio-cd r/rw	6%	Per 80 Minutes
Data-cd r/rw	6%	Per 700Mb
Hi-Minidisc	6%	Per 1Gb
Memory Cards	6%	Per 256Mb

Video levies		
	Levy	Capacity
Videocassette	6%	Per 180 Minutes
DVD (all types)	6%	Per 4,7GB

Devices levies		
	Levy	Capacity
Recording devices	6%	Per unit

15. HUNGARY

CONTACT INFORMATION

Population: 9.956.108 **Currency:** € 1,- = 265,2 HUF
Organisation: ARTISJUS
Internet: www.artisjus.hu
Email: info@artisjus.com
Phone: +36 148 826 00
Address: 1016 Budapest, Mészáros utca 15-17

LEGISLATION AND FUNDAMENTALS

Legal basis: Copyright Act LXXVI of 1999.

Collecting society: ARTISJUS

Legal status: Legal monopoly.

Liable party: Manufacturer (domestic product) or importer or reseller (foreign product).

Obligation to report:

1. Non EU-countries: within 8 days upon customs clearance or when carriers leave site of local manufacturer.
2. EU-countries: moment of putting the carriers into circulation.

Liability moment:

1. Within max. 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 export) or statements of customs clearance (non EU export) are submitted in conjunction with the request.

Legal penalty for omission: Yes, legal penalty.

Both the levy as a lump sum equal to the tariff must be paid (according to the 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 Culture.

- ARTISJUS (music and literature)
- FILMJUS (film)
- HUNGART (visual arts)
- EJI (performers)
- MAHASZ (phonogram producers)

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?

- Legislator: between the different groups of rightsholders.
- Rightsholders: within the collecting societies.

Audio scheme:

- 45% - Authors (ARTISJUS)
- 30% - Performers
- 25% - Producers

Video scheme:

- 20% - Authors (ARTISJUS)
- 80% - Various rightsholders:
 - 13 % - *Filmproducers (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.

A deduction isn't included in the Copyright Act, however, collecting societies use a share for social and cultural purposes (by decision of the rightsholders). At ARTISJUS this deduction is 3,3% of the audio collection & 10% of the video collection.

Observations:

1. Permanent negotiations with the organisations of importers.
2. Modification of the Criminal Code from June 1st 2007: infringement is a criminal offence.
3. Twice a year a market study is issued. One covers the whole population (GfK) while the other one researches the younger generations (Free Ssociation).

LEVIES

Audio levies			
	Levy	Capacity	Discount
Audiocassette	0,08	< 60 Minutes	-
	0,10	60 - 90 Minutes	-
	0,13	> 90 Minutes	-
Minidisc	0,24	-	-
Audio-cd r/rw	0,24	-	-
Data-cd r/rw	0,16	< 700 Mb	0,13
	0,24	> 700 Mb	-
CD-R, RW	0,06	> 300 Mb	-

Video levies			
	Levy	Capacity	Discount
Videocassette	0,20	< 120 Minutes	-
	0,26	< 180 Minutes	
	0,29	< 195 Minutes	
	0,40	< 240 Minutes	
DVD+ r/rw	0,41	4,7 Gb	0,20
DVD – r/rw	0,41	4,7 Gb	0,20
DVD ram	0,41	4,7 Gb	0,20
DVD double-layer	0,94	< 9,4 Gb	0,47
	0,06	< 4,7Gb	
Blu-Ray / HD-DVD	0,41	4,7 Gb	0,31
	0,41	4,7 Gb	0,31
	0,94	4,7 - 9,4 Gb	0,70
	1,13	9,4 - 15 Gb	0,85
	1,51	15 - 25 Gb	1,13
	1,88	25 - 50 Gb	1,41
	2,64	50 - 100 Gb	1,98
	3,02	100 - 200 Gb	2,26
3,20	> 200 Gb	2,4	

Devices levies			
	Levy	Capacity	Discount
MP3 player	0,38	< 32 Mb	0,28
	0,75	32 - 64Mb	0,56
	1,50	64 - 128Mb	1,13
	2,41	128 - 256Mb	1,81
	4,52	256 - 512MbB	3,39
	6,03	512Mb - 1GB	4,52
	7,24	1 - 2Gb	5,43
	12,06	2- 4Gb	9,05
	18,1	4 - 10Gb	13,57
	27,15	10 - 40Gb	20,36
	30,16	40 - 80Gb	22,62

Memory card	0,15	< 64Mb	0,12
	0,30	64 - 128Mb	0,24
	0,90	128 - 256Mb	0,72
	1,81	256 - 512Mb	1,45
	2,41	512Mb - 1Gb	1,93
	3,62	1 - 2Gb	2,89
	4,52	2 - 4Gb	3,62
	6,03	4 - 8Gb	4,83
	9,05	8 - 12Gb	7,24
Storage capacity integrated in consumer electronics devices for storing audio and/or audiovisual content (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)			
	12,07	< 80Gb	9,05
	45,08	80 - 160Gb	11,31
	21,12	160 - 250Gb	15,84
	27,15	> 250Gb	20,36

16. ICELAND

CONTACT INFORMATION (not updated since 2005)

Population	: 301.931
Organisation	: STEF
Internet	: www.stef.is
Email	: info@stef.is
Phone	: +35 456 161 73
Fax	: +35 456 262 73
Address	: Laufasvegur 40, 101 Reykjavik

LEGISLATION AND FUNDAMENTALS

Legal basis : Article 11 of Copyright Act no.73 (May 29 1972) as amended by Law no. 78 (May 30 1984) and Law no. 60 (May 8 2000).
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Collecting society : STEF

Legal status : Legal monopoly

Liable party : Manufacturer and importer

Liability moment : Upon import or when carriers leave site of manufacturer

Corporation customs : Yes

Obligation to report : Legal obligation to report
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Who sets the levies? Legislator
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DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?

IHM or an arbitrational panel

Audio scheme :

54% - Performers and phonogram producers (SFH)

39% - Authors (STEF)

7% - Writers

Video scheme :

16% - Writers Union

15% - Film producers association

13% Actors association

13% - Authors (STEF)

12% - Film directors association

10% - Musicians Union

8% - Producers (SFH)

2,5% - Journalists Union

4,5% - Filmmakers Association

3,5% - Visual Artists Associatino

2,5% - Stage, film and tv directors Association

Collective purposes : Yes

15% deduction

Observations : Icelandic information hasn't been updated since 2005

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	0,44	Per 60 Minutes
Audio cd-r/rw	0,21	Per 80 Minutes
Data-cd r/rw	0,21	Per 700Mb

Video levies		
	Levy	Capacity
Videocassette	1,25	Per 180 Minutes
DVD (all types)	0,63	Per 4,7Gb

Devices levies	
	Levy
MP3 Player	4%

17. ITALY

CONTACT INFORMATION

Population : 58.147.733
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 and importers (with commercial purpose). Distributors also liable when manufacturer or importer does not comply.

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

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

Corporation customs : Yes

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 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 manufacturers, 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 Committee's advice. This Committee exists of experts in copyright and governmental and cultural industry representatives.

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 (50-50 basis)

Video scheme :

30% - Authors

70% - Audiovisual Producers, Producers of dvd's and Videocassettes and the Association of Artists & Performers (1/3 for each category).

Collective purposes : Yes

According to the Law, 50% of the revenues "video" distributed to Association of Artists and performers have to be allocated for study and research, professional training and promotion and aid to artists and performers. SIAE is not involved in the management of these funds.

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	0,58	Per 4.7 GB
DVD double-layer	0,58	Per 4.7 GB

Devices levies

According to Italian law the tariff for recorder equipment is, 3% of the retail price.

- Mp3 player and Digital Juke Box tariff is 3% of the retail price.
- CD Writer (internal) € 0,60.
- CD Recorder (external) 3% of the retail price with a discount of 50%.
- DVD Writer (internal) € 2,10.
- DVD Recorder (external) 3% of the retail price with a discount of 50%.
- Harddisk DVD-recorder 3% of retailer price.

18. JAPAN

CONTACT INFORMATION

Population	: 127.433.494	Currency	: € 1,- = ¥ 0,00604
Organisation	: SARAH & SARVH		
Internet	: www.sarah.or.jp / www.sarvh.or.jp		
Email	: SARAH: sarahnakano@za.wakwak.com / SARVH: sarvh02@mint.ocn.ne.jp		
Phone	: SARAH: +81 332 613 444 / SARVH: +81 335 603 107		
Fax	: SARAH: +81 332 613 447 / SARVH: +81 355 702 560		
Address	:		
	SARAH: Kojimachi YK Bldg. 2F, 1-8-14, Kojimachi, Chiyoda-ku, Tokyo 102-0083		
	SARVH: Akasaka Mitsuji Bldg. 2F, 5-4-6, Akasaka, Minato-ku, Tokyo 107-0052		

LEGISLATION AND FUNDAMENTALS

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.

Legal basis : Copyright Law

Liable party :

1. 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.
2. 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 : SARAHI/SARVH receives reports from manufactures/importers (sales on the domestic market) and collects compensations based on these reports.

Control of obligated parties : No control

Who sets the levies?

1. SARAHI/SARVH makes a plan and submits this to the Commissioner of the Agency for Cultural Affairs 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.

Legal penalty for omission : No legal penalty.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?

Negotiations between rightsholders' organisations

Audio scheme :

- 36% - Rightsholders (JASRAC, 3 writers organizations)
- 32% - Performers (GEIDANKYO)
- 32% - Producers of Phonograms (RIAJ)

Video scheme :

- 36% - Rightsholders of visual works (7 visual works producers organisations)
- 16% - Rightsholders of musical works (JASRAC)
- 16% - Rightsholders 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 neighbouring 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. The meeting was held 17 times during the fiscal year 2007. The Commission originally planned to reach a conclusion before January 2008, but it did not succeed. It's carried over to the next session and the discussions between related organisations will be of help to come to a conclusion.

The point of the Revision:

- Devices/media subject to payment of compensation.
- Decision making body/procedure (Cabinet Order or Public Independent body).
- Payment liability party (consumers or manufactures/importers)
- Association for administration (Integration of SARAH and SARVH)
- other occurring issues regarding setting up a private copying system

LEVIES

Audio levies		
	Levy	Capacity
Minidisc	3%	Per unit
Audio-cd r/rw	3%	Per unit
DAT	3%	Per unit
DCC	3%	Per unit
<i>Additional info</i> 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
<i>Additional info</i> 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
<i>Additional info</i>		
Tariff is percentage of the base price. Base price = first sale price, or 65% of the standard price indicated in the catalogue. Maximum of € 6,04.		

19. LATVIA

CONTACT INFORMATION

Population	: 2.259.810	Currency	: € 1 = LVL 0,64
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

Liabile 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 has to submit a report indicating the imported or manufactured blank media/ equipment. Not later than the fifteenth day of the following month the payment has to be done as well.

Cooperation customs : No

Export refund : Refund is possible for exports only (handling within fifteen days).

Control of obligated parties : AKKA/LAA carries out regular inspections of businesses and warehouses (sometimes with cooperation from police authorities).

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

Legal penalty for omission : Yes, legal penalty.

If an importer or manufacturer does not report within the time period specified above, or the levy is not paid within the time period specified above, the amount of the levies to be paid are be doubled.

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 rightsholders and importers. Distribution schemes are approved by the Cabinet.

Audio scheme :

Authors - 40%

Performers - 30%

Phonogram producers - 30%

Video scheme :

Authors - 33,33%

Performers - 33,33%

Film producers - 33,33%

Interactive scheme :

80% added to audio sheme,

20 % added to video sheme

Observations : Ministry of Culture has formed a new working group of rightsholders and importers to discuss applicable new technical equipment and to discuss new levies. Rightsholders are convinced that the blank tape levy should be applied to computers, harddisks, memory cards and mobile phones with mp3 functionality.

Collective purposes : Yes

Deduction of 10% for the Cultural and Educational Fund (the money is used for organizing seminars, preparing printed materials etc.).

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	0,28	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
Video tape recorder	1,42	Per unit

20. LITHUANIA

CONTACT INFORMATION

Population	: 3.575.439	Currency	: € 1,- = LTL 3,4528 (fixed rate)
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 and 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.

Liabile 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.

Control of obligated parties : There are two types of preventive activities to control obligated parties. The exchange of information with customs and the inspection at the trade places.

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.

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 take place after an agreement with the authorized societies. The provision 20 of Governmental Resolution establishes that 25 % of royalties collected from the audiovisual recordings 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 : In 2007 a change was made in the provision of Governmental Resolution that regulates the collection of private copying levies. Memory cards and USB Sticks are no longer subject to the levies and an ambiguous conception of import stayed unexplained. Consequently, based on the definition of 'import' by VAT law, under which only the entry of goods from non-EU countries is considered 'importation', liable parties stopped payment of levies since 2005. LATGA-A initiated a working group has been formed by Parliament to review the private copy regulations which are still under consideration. On March 3rd 2008 the Supreme Court ruled in favour of LATGA-A in a case against a non-EU importer. Based on the Court's decision negotiations have started on the compensation due for 2005, 2006 and 2007.

LEVIES

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

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

Devices levies	
	Levy
Memory Card	6%
USB Stick	6%
<i>Additional info</i> All tariffs percentage of the import price. From October 2007 memory cards and USB sticks are no longer subject to the levies.	

21. THE NETHERLANDS

CONTACT INFORMATION

Population : 16.372.715
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 misdemeanour and may result in legal actions (like confiscation of property, prosecution etc).

Liability moment : Right after 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).

Cooperation customs : No

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 legal penalty.

Non reporting and non payment of liable parties is prosecuted. Stichting de ThuisKopie successfully prosecutes these parties and uses other legal measures like confiscating properties and bank accounts in order to collect and distribute the remuneration.

Control of obligated parties : Stichting de ThuisKopie uses a control unit that visits liable parties at random. Manufacturers and importers that signed an agreement with Stichting de ThuisKopie agreed on this control of their administration. Stichting de ThuisKopie also has a special investigation unit that locates and investigates liable parties in the Netherlands.

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 on consumer use of blank carriers and equipment.

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 on consumer use of blank carriers and equipment. This study shows which content is copied by consumers and what type of carriers are used to copy this content.

Collective purposes : No

The rightsholders decided to end the collective deduction for cultural purposes of 15% before distribution. 2007 was the last year in which audio and audiovisual creators could sign up for financial aid for their projects supporting Dutch culture. Now, the rightsholders organisations have to decide for themselves whether or not to make a deduction for collective purposes on their private copying income (maximized at 15%).

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. The current system is frozen until December 2008 and Stichting de ThuisKopie awaits the outcome of the advice to the Minister of Justice which will be issued very soon.

LEVIES

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

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 2009 by Ministerial decree.

22. NORWAY

CONTACT INFORMATION

Population	: 4.627.926	Currency:	€ 1,- = NOK 8,49
Organisation	: NORWACO		
Internet	: www.norwaco.no		
Email	: je@norwaco		
Phone	: +47 23 31 68 00		
Address	: Youngstorget, P.O. Box 8903, NO-0028 Oslo		

LEGISLATION AND FUNDAMENTALS

Legal basis : Section 12 of the Norwegian Copyright Act establishes, in line with article 5.2b of the Copyright Directive, an obligation to compensate rightsholders for the private copying of works spread to the public.

Collecting society : Norwaco

Legal status : Private Collective Management Organisation

Additional information : There is no levy system in Norway. The Norwegian Parliament determines the level of the compensation to be granted to the rightsholders (annually). 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 Norwegian government has approved Norwaco as managing entity of the individual compensation granted yearly. The compensation is distributed through representative organisations.

Collective purposes : Yes

The Arts Council of Norway manages the collective compensation by means of financial support to various projects. .

23. POLAND

CONTACT INFORMATION

Population	: 38.518.241	Currency	: € 1,- = PLN 3,78
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. Revised on 28/Oct/2002 and a regulation of the Minister of Culture on 02/June/2003.

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

Legal status : No monopoly; three societies authorised to collect the remuneration.

Liable party : Manufacturer and importer

Obligation to report : Manufacturer and importer

Liability moment : Within two weeks at the end of each quarter wherein sales took place.

Corporation 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 rightsholders. Each category of rightsholders (authors, performers, producers) distributes after an agreement with the authorised societies.

Audio scheme :

50% - Authors
25% - Performers
25% - Phonogram producers

Video scheme :

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

Collective purposes : No

LEVIES

Audio levies	
	Levy
Audiocassette	3%
Minidisc	3%
Hi-MD	3%
Audio-cd r/rw	3%
Data-cd r/rw	3%
<i>Additional info</i> All tariffs (audio, video, devices) are percentages of the sale price.	

Video levies	
	Levy
Videocassette	3%
DVD+ r/rw	3%
DVD- r/rw	3%
DVD ram	3%
DVD double-layer	3%
Blu-Ray	3%
HD-DVD	3%

Devices levies	
	Levy
MP3 player	3%
CD writer (internal)	2%
CD recorder (external)	3%
DVD writer (internal)	3%
DVD recorder (external)	3%
DVD harddisk recorder	3%
Computer harddisk	1%
Blu-Ray writer (internal)	3%
Blu-Ray recorder (external)	3%
HD-DVD writer (internal)	3%
HD-DVD recorder (external)	3%
Memory Card	1%
USB Stick	1%

24. PORTUGAL

CONTACT INFORMATION

Population : 10.642.836
Organisation : AGE COP – 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, 7º B, 1700-178 Lisboa

LEGISLATION AND FUNDAMENTALS

Legal basis : The collection private copying levies is imposed by Law 62/98, amended by Law 50/2004, both approved by the Parliament, pursuant to the established in articles 81 and 82 of the Copyright Code. Collection and management of the remuneration is done by AGE COP, both for audiovisual and reprography levies.

Collecting society: AGE COP

The incorporation of AGE COP was mandatory and was made in 1998. AGE COP's members are Portuguese collecting societies representing authors, artists and performers, publishers and music and video producers.

Legal status : Legal monopoly. The legal status of public utility and collective management society was granted through a registry at the Ministry of Culture.

Liable party : For levies regarding equipment and blank media, which benefit music and audiovisual rightsholders, all importers and manufacturers are obliged to report when the first sale of the product takes place. In regard of the levies that benefit reprographic rightsholders, the reporting is done by the public and private entities that sell photocopies.

Liability moment : When the first sale takes place.

Obligation to report : Importers and manufacturers are obliged to report the number of blank media sold. For equipment they also have to report the sale price (the remuneration is only collected over analogue equipment and corresponds to 3% of the sale price). In addition, importers and manufacturers have to report data concerning exports and exemptions for professional use. All of this data has to be reported to AGE COP and also to the Inspection of Cultural Activities, a body of the Ministry of Culture. The public and private entities that sell photocopies are obliged to report the number of copies of works made each year.

Cooperation customs : No

Export refund : In order to be refunded for exports, liable parties have to present the same documents that are requested by the VAT services when requesting 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 : AGE COP can audit the accounts of all importers that have an agreement with AGE COP. The same goes for public and private entities that have an agreement to pay the levies calculated over the sale price of photocopies.

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

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?

Distribution schemes are set by Law. As all members of AGE COP are collecting societies, distribution to rightsholders is done by these organisations.

AGE COP distributes as follows:

Equipment and blank media

40% - Authors

30% - Artists and performers

30% - Music and video producers.

Photocopies

50% - Authors

50% - Publishers.

Collective purposes : Yes

The Law states an obligation to deduct 20% of the collection for collective purposes.

LEVIES

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

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

Devices levies		
On analogue equipment 3% of the sale price.		

25. SLOVAKIA

CONTACT INFORMATION

Population	: 5.447.502	Currency	: € 1,- = SKK 35,15
Organisation	: SOZA		
Internet	: www.soza.sk		
Email	: soza@soza.sk		
Phone	: +42 125 556 936 2		
Fax	: +42 125 556 940 9		
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 levies from liable parties. Most of them (except SAPA) agreed on SOZA being the collecting organisation.

Liable party : Manufacturers, recipients from a member state, importers or any other person that places the carriers for sale on the Slovak market.

Obligation to report : Legal obligation to report.

Liability moment : The levies are paid to the respective collective administration organisation on the first sale/import/receipt of the carrier or device. This takes place quarterly (at its latest by the end of the first month of the following quarter).

Cooperation customs : Yes

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

Who sets the levies? Copyright Act

Legal penalty for omission : Yes, legal penalty.

Copyright Act: "by failing to fulfil 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

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?

Agreement of collective management societies.

Audio scheme :

LITA (literary,dramatic,audiovisual, choreograph. works and plastic arts) - 6,55%

SOZA (musical works) - 36,2%

OZIS (performers) - 9,144%

Slovgram (performers and producers) - 48,106%

Video scheme :

LITA - 26,54%

SOZA - 13,46%

OZIS - 9,975%

Slovgram - 28,65%

And: 21,375% (saved in a bank deposit for SAPA - film producers)

Collective purposes : No

LEVIES

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

Devices levies : The levy is 3% from the total income out of the sales of devices.

26. SLOVENIA

CONTACT INFORMATION

Population : 2.009.245
CBO : Zavod IPF (temporarily authorised to collect remuneration for private copying)
Internet : www.zavod-ipf.si
Email : info@zavod-ipf.si
Phone : +38 615 272 930
Fax : +38 615 272 931
Address : Šmartinska 152, 1000 Ljubljana

LEGISLATION AND FUNDAMENTALS

Legal basis : Copyright and Related Rights Act of 1995 as last amended on 15 December 2006. Official text in Official Gazette of the Republic of Slovenia, No.16 of 23 February 2007.

Collecting society : Zavod IPF
Collecting society for asserting rights of performers and producers of phonograms of Slovenia

Legal status : Monopoly
Special authorisation; control by/report to Slovenian Intellectual Property Office.

Liability moment : Upon sale or import.

Liable party : Manufacturer or importer.

Corporation customs : No

Obligation to report : Manufacturers and importers must provide information upon request of the collective management society.

Export refund : None

Legal penalty for omission : Yes, legal penalty.

A fine of no less than EUR 835 shall be imposed for a misdemeanor on any legal entity or individual sole trader that does not submit to the competent collecting society, within the prescribed time limit. (The information necessary for the calculation of the remuneration due is type and number of sold originals, liable persons, retail price without public charges, etc.). (Article 159(5)) A fine of no less than EUR 250 shall be imposed on the responsible person of a legal entity or of individual sole trader that commits a misdemeanor.

Control of obligated parties : Supervisory control of the Market Inspection.

Who sets the levies? Government (by Decree of 2006).

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?

The legislator sets the distribution schemes and decides on the various shares.

Audio scheme :

40% - Authors
30% - Performers
30% - Producers

Video scheme :

40% - Authors
30% - Performers
30% - Producers

Collective purposes : No

Observations : At the end of 2007 a temporary authorisation for collecting the remuneration for private copying, has been issued to Zavod IPF.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	0,10	< 180 Minutes
	0,19	> 180 Minutes
Minidisc	0,13	Per 90 Minutes
Hi-MD	0,03	Per 1Gb (max € 16,69)
Audio-cd r/rw	0,13	Per 90 Minutes
Data-cd r/rw	0,03	Per 1Gb (max € 16,69)

Video levies		
	Levy	Capacity
Videocassette	0,10	< 180 Minutes
	0,19	> 180 Minutes
DVD+ r/rw	0,03	Per 1Gb (max € 16,69)
DVD- r/rw	0,03	Per 1Gb (max € 16,69)
DVD ram	0,03	Per 1Gb (max € 16,69)
DVD double-layer	0,03	Per 1Gb (max € 16,69)
Blu-Ray	0,03	Per 1Gb (max € 16,69)
HD-DVD	0,03	Per 1Gb (max € 16,69)

Devices levies		
	Levy	Capacity
MP3 player	4,17	< 2Gb
	8,35	> 2Gb
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 1Gb (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 1Gb (max € 16,69)
USB Stick	0,03	Per 1Gb (max € 16,69)

27. SPAIN

CONTACT INFORMATION

Population : 45.116.894
Organisation : SGAE
Internet : www.sgae.es
Email : jconde@sgae.es; criosalido@sgae.es
Phone : +34 913 499 533/547
Fax : +34 913 499 715
Address : Fernando VI, 4 - 28004 Madrid

LEGISLATION AND FUNDAMENTALS

Legal basis : Article 25 of the Law on Intellectual Property (Ley 23/2006 por la que se modifica el Texto Refundido de la Ley de Propiedad Intelectual aprobado por Real Decreto Legislativo 1/1996 de 12 de abril).

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. Collecting societies must be authorised by- and are obliged to report regularly to- the Ministry of Culture. .

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

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

Obligation to report : Every quarter debtors have to send to the collecting societies a sheet stating all of the sales of that quarter.

Corporation customs : No

Export refund : When an importer or manufacturer reports exports, SGAE applies a reduction in that quarter or in the following ones. But first, the exporting company must justify the exports by providing further information.

Control of obligated parties : SGAE has a team of co-workers that issues, in cooperation with other collecting societies, market surveys to find companies/retailers/importers that are not paying the levies. When they indeed find such parties, an audit follows in order to check the height of the unpaid levies. These auditors also visit the companies to inform and check the liable parties. SGAE determines which parties to audit at a given time.

Legal penalty for omission : No legal penalty.

SGAE is authorized by Law to audit companies related to the import & sale of equipment and carriers subjects to the levies. After an audit that proves the company sold equipment or carriers without paying the levies, SGAE can issue an invoice for those items not declared on time and an additional invoice for the interest for late payment.

Who sets the levies? Levies are stated by Law for analog environment and, the Ministries of Culture and Industry for the digital environment. Since the last modification of the law (July 2006) the Ministries check the adaption to the market situation every two years.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?

The Spanish Law states the percentages for all remuneration systems. SGAE makes a semester survey to determine which sources are used during that period (radio and tv stations, music CD and movie sales, etc). Its purpose is to determine how many times a work appears in the survey to set a proportional distribution of to the rightsholders.

Audio scheme :

25% - Music performers (AIE)
25% - Phonomechanical producers (AGEDI)
50% - Authors and editors (SGAE)

Video scheme :

6,66667% - Music performers (AIE)
26,66667% - Audiovisual performers (AISGE)
0,42333% - Audiovisual authors (DAMA)
33,33% - Audiovisual producers (EGEDA)
32,91% - Authors and editors (SGAE)

Collective purposes : Yes

Deduction of 20% for collective purposes.

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	0,18	60 min
Minidisc	0,47	700 MB/80 min
Hi-MD	0,68	1 GB/117 min
Audio-cd r/rw	0,47	700 MB/80 min
Data-cd r/rw	0,21	700 MB
<i>Additional info</i> 1 hour = 0,18 eur / 525,38 MB = 1 hour		

Video levies		
	Levy	Capacity
Videocassette	0,30	60 min.
DVD+ r/rw	0,60	4,7 GB
DVD- r/rw	0,60	4,7 GB
DVD ram	0,60	4,7 GB
DVD double-layer	1,20	9,4 GB
<i>Additional info</i> 1 hour = 0,30 eur / 2,35 GB = 1 hour		

Devices levies		
	Levy	Capacity
Digital jukebox	0,60	Per unit
MP3 player	0,60	Per unit
CD writer (internal)	0,60	Per unit
CD recorder (external)	0,60	Per unit
DVD writer (internal)	6,61	Per unit
DVD recorder (external)	6,61	Per unit
DVD harddisk recorder	6,61	Per unit
Blu-Ray writer (internal)	6,61	Per unit
Blu-Ray recorder (external)	6,61	Per unit
HD-DVD writer (internal)	6,61	Per unit
HD-DVD recorder (external)	6,61	Per unit
Memory Card	0,12	Per 32 MB

28. SWEDEN

CONTACT INFORMATION

Population	: 9.031.088	Currency	: € 1,- = SEK 10,12
Organisation	: COPYSWEDE		
Internet	: www.copyswede.se		
Email	: copyswede@copyswede.se		
Phone	: +46 854 566 700		
Fax	: +46 866 788 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 : Copyswede is designated by law to collect the private copying levy collectively through representative organisations. Copyswede is a co-operative economic association established by fourteen member organisations that represent Swedish authors and performers. Under a partnership agreement with organisations 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 organisations.

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

Liability moment : According to the Copyright Act: the liability arises at the moment of import. Due to the agreement with parties on the market, the remuneration is paid at moment of first sale.

Liable party : Manufacturer and importer (extended: resellers have the option to register at Copyswede that takes over this liability)

Corporation customs : No

Export refund :

According to the law the levy isn't paid upon export. The liability to pay arises at the moment of import. However an agreement between Copyswede and the industry allows the importer to pay the levy at the moment of sale. Consequently, importers that only export their goods will never pay the levy.

Control of obligated parties : Copyswede has the possibility to audit the accounts of the importer/manufacturer through the agreements signed by them. Copyswede has a market control officer who regularly audits the liable parties who are registered at Copyswede.

Who sets the levies? The Law states the levies of different types of products. The Law also provides, under certain circumstances, the possibility to negotiate about a levy. Copyswede has agreed through negotiations with the industry on new, and lower, tariffs in comparison to the levies stated by law.

Legal penalty for omission : Yes, legal penalty.

In cases where the importer/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.

Observations :

1. New tariffs on audioplayers with storage capacities from 50 GB (see tariffs).
2. Concerning distribution; COPYSWEDE is in the middle of new negotiations with the rightsholders regarding both the principles of distribution and the rates of distributing audio and video.

Collective purposes : No

DISTRIBUTION**Who sets the distribution schemes and how does the decision making take place?**

After propositions from Copyswede, negotiations with the organisations of rightsholders takes place.

Audio scheme :

5,33 % to Union of Broadcasting Organisations.

The remaining part is distributed as follows (2005):

- Music programs, Live music (radio):

1.96 %- STIM/NCB (authors), SAMI/SMF & SYMF (performers)

- Other music (other than radio):

31,03 %- STIM, 31,03 % -SAMI, 31,03 %- IFPI

- Other than music programs:

1,083 % -Actors/Directors

0,104%- Performers

0,988 %- Writers

0,849 % Play writers

0,291 % -Musicians

0,626 %- STIM

0,719%- Producers

0,256 %- SAMI/IFPI (Phonogram music)

Video scheme :

- 33 %- Video & film producers

The remaining part is distributed as follows (2005):

- Other rightsholders

16 % -Play writers

3,99 % -Writers

0,68 % -Translators

2,96 % - Journalists

15,2 %- Directors

1,48 %- Stage designers

0,25 %- Choreographers

25,65 %- Actors

0,35 %- Dancers

13,58 %- STIM (authors of musical works)

7,01 %- Musicians/conductors

2,76 %- Singers/performers

3,62 %- IFPI/SAMI

4,47 %- Directors of photography

0,35 %- Editing/cutting & light

1,65 %- Still

DVD-R/RW (2006)

Audio 21 % of which:

96 % music- STIM/SAMI/IFPI 1/3 each

2 % radio

2% audio books

Video 79 % of which:

79 % of which:

33 % - video- & film producers

67 % - COPYSWEDE/IFPI (see under video above)

CD-R/RW Data (2006)

Audio 89 % of which:

98 % music- STIM/SAMI/IFPI 1/3 each

2 % audio books

Video 11 % of which:

33 % - video & film producers

67 % COPYSWEDE/IFPI (see under video above)

Video recorders with integrated storage capacity (2006)

33% - Video & film producers

67 % COPYSWEDE/IFPI (see under video above)

MP3-players (2006)

95 % music- STIM, SAMI, IFPI 1/3 each

4 % audio books

1% radio

LEVIES

Audio levies		
	Levy	Capacity
Audiocassette	0,15	Per 60 minutes
Minidisc	0,16	Per 80 minutes
Audio-cd r/rw	0,16	Per 80 minutes
CD-R Data	0,10	Per 700 Mb
CR-RW Data	0,16	Per 700 Mb

Video levies		
	Levy	Capacity
Videocassette	0,45	Per 180 minutes
DVD ram	0,52	Per 4,7 Gb
DVD double-layer	0,58	Per 8,5 Gb
DVD -R/+R	0,32	Per 4,7 Gb
DVD -RW/+RW	0,52	Per 4,7 Gb

Devices levies		
	Levy	Capacity
Mp3 player	0,10	256Mb
Mp3 player (audio)	0,40	Per 1Gb (below 49Gb)
	20,-	50-80Gb
	37,50	81-250Gb
	35,-	> 250Gb
Mp3 player (video)	0,35	Per 1Gb (below 58Gb)
	20,-	58-80Gb
	27,50	81-250Gb
	35,-	> 250Gb
DVD recorder (external)	20,-	58-80GB
	27,50	81-250Gb
	35,-	> 250Gb
Settopbox (+ harddisk)	14,-	Per 40Gb (below 58Gb)
	20,-	58-80Gb
	27,50	81-250Gb
	35,-	> 250Gb

29. SWITZERLAND

CONTACT INFORMATION

Population	: 7.554.661	Currency	: € 1,- = CHF 1,70
Organisation	: SUISA		
Internet	: www.suisa.ch		
Email	: suisa@suisa.ch		
Phone	: +41 44 485 66 66		
Fax	: +41 44 482 43 33		
Address	: Bellariastr. 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).
Swissperform (neighbouring rights including 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 carrier leaves site of manufacturer.
Contractual: Upon distribution to local market.

Cooperation customs : No

Export refund : Refund to the importer with thje proper export documents.

Legal penalty for omission : No legal penalty.

Control of obligated parties : Audits

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

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?
The collecting societies are setting the distribution schemes according to surveys/studies regarding the use of blank media and according to art.60 of the Swiss Copyright Law. The of copyright and neighbouring right is 10 to 3.

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 (dramatoic 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 2007.

Audio

67,5 % - SUIISA (music authors)

5,025% - ProLitteris (lit. Photographers)

2,475 % SSA (dramatic works)

25% - Swissperform (artist, producers)

Video

9,4875 % SUIISA (music authors)

5,325% - ProLitteris (lit. Photographers)

2,6625% - SSA (dramatic works)

57,525% - SUISSIMAGE (film authors, producers)

25% - Swissperform (artists, producers)

There will be a new scheme for 2008

LEVIES

Audio levies			
	Levy	Capacity	Discount
Audiocassette	0,20	60 Min.	5 % contractual discount
Minidisc	0,20	60 Min	5 % contractual discount
Hi-MD	0,20	60 Min	5 % contractual discount
Audio-cd r/rw	0,20	60 Min	5 % contractual discount
Data-cd r/rw	0,03	525 MB	5 % contractual discount

Video levies			
	Levy	Capacity	Discount
Videocassette	0,28	60 Min	5 % contractual discount
DVD+ r/rw	0,24	4,7 GB	5 % contractual discount
DVD- r/rw	0,59	4,7 GB	5 % contractual discount
DVD ram	0,59	4,7 GB	5 % contractual discount
DVD double-layer	0,59	4,7 GB	5 % contractual discount

Devices levies			
	Levy	Capacity	
Memory Card (per Mb)	0,015	< 512Mb	
	0,011	512Mb-1Gb	
	0,09	1Gb-2Gb	
	0,005	2Gb-4Gb	
	0,003	4Gb	
Harddisk in audio recorders	0,28	Per Gb	
Harddisk in audiovisual recorders	0,21	Per Gb	

30. TURKEY

CONTACT INFORMATION

Population : 71.158.647 **Currency** : € 1 = TRY 1,75
Internet : www.mu-yap.org (Phonogram producers society / Turkish IFPI member)
Email : disiliskiler@mu-yap.org
Phone : +90 212 292 4613
Fax : +90 212 292 4617
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 Article 38 but levies are not stated by Law. However there is an obligation for importers and manufacturers to pay an amount of their sales of blank carriers and recording devices to the Ministry of Culture and Tourism.

Collecting society : None, collection of remuneration is done by Ministry of Culture & Tourism

Legal status : Ministry Of Culture & Tourism (legal monopoly).

Liable party : Manufacturers and importers.

Obligation to report : Importers and manufacturers have to report their imports and manufacturing plus their prices to the Ministry Of Culture & Tourism by Governmental decision.

Cooperation customs : No

Liability moment :
- Importers: before customs clearance (upon CIF amount).
- Manufacturers: within 15 days after distribution to the local market (manufacturing prices).

Control of obligated parties : No controlling instruments.

Legal penalty for omission : No legal penalty.

Who sets the levies? Amounts are determined by the Government.

DISTRIBUTION

Who sets the distribution schemes and how does the decision making take place?

No distribution scheme. Rightsholders don't receive any fair compensation from these payments. All revenues are exploited by the Ministry Of Culture & Tourism.

Collective purposes : Yes

Ministry Of Culture & Tourism is authorised to use the amounts for culturel purposes.

Observations :

Private copying is regulated in the Turkish Copyright Law but fair compensation is not included. Levies are not explicitly regulated. There is an obligation to pay an amount (not exceeding 3% of the manufacturing price or import fee) from the blank media and devices, but these are not levies stated in the Copyright Law. Article 38 and 44 have to be amend according to the Copyright Directive 2001/29 and international agreements.

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 material 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 for 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.