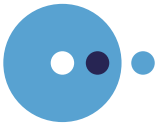
PRIVATE COPYING GLOBAL STUDY

Law & Practice

de Thuiskopie



FOREWORD

Private copying is a subject of perennial importance for authors and creators. While creative professions may undergo periods of instability, remunerations from private copying can provide a modest but sustained income. With the evolution of new technologies, copying has taken on new forms, and rightsholders and their representative groups have continuously needed to justify the enforcement of their rights across new copying practices and new contexts of consumption. Within these discussions – for all parties involved – it is essential to be aware of current global practice and international norms when determining the scope and level of private copying remunerations.

Now in this third Edition, we provide a comprehensive look into international private copying systems, gathering and consolidating key data points and legislative insights into an accessible format. We aimed to "refresh" the Study's reporting with several new features simplifying the content and improving searchability (see Methodology). Additionally, along with updated figures on tariff setting and total collections by country, we have included an Economic Analysis which brings much-needed context to how the private copying system functions for everyday consumers.

In this Edition, we also add the International Federation of Reproduction Rights Organisations (IFRRO) to our institutional partnership, who was crucial in bringing together the international expertise of its membership regarding reprography and the administration of text and image levies. With their partnership, we aim to provide a more complete picture of the role of private copying and its influential impact on creators across different artistic repertoires.

Finally, future publications and updates on private copying will be digitalised, in order to provide the most up-to-date information with greater ease and accessibility. Updates on this initiative will be published following the launch of this Study Edition (2026).

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INSTITUTIONAL PARTNERS

BIEM
CISAC
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Stichting de Thuiskopie

PROJECT MANAGEMENT & COORDINATION

Natasha MANGAL, CISAC
Laure MARGERARD, BIEM

INSTITUTIONAL REPRESENTATIVES

Antonios BARIS, IFRRO
Roland DE VRIES, Stichting de Thuiskopie
Jochem DONKER, Cedar, B.V.; Stichting de Thuiskopie

ECONOMIC ANALYSIS

Assoc. Prof. Joost POORT, University of Amsterdam

EXPERTS

Charles-Henri LONJON, Copie France
George Andrew ZANNOS, Osdel, IFRRO Equipment Levy Forum
Sabine RICHLY, IFRRO Consultant
Aleksandra BURBA, Copyright Polska

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1.INTRODUCTION

Private copying is addressed in copyright law through compensation systems designed to ensure that creators are fairly remunerated when their works are copied for personal use. In many countries, individuals are permitted to make private copies of music, films, and other protected content, such as copying a song to a smartphone, storing a film on a tablet, or backing up purchased content on an external hard drive for personal use. To balance this exception, compensation is collected on devices and storage media that can be used for private copying, including smartphones, computers, USB sticks, memory cards, and external hard drives, and/or on reprographic devices such as scanners and printers. The amounts collected are distributed to authors, artists, musicians, and other rightsholders for the private use of their works.

Private copying legislation was first introduced in the 1960s in Germany, when lawmakers began to address the growing practice of copying for personal use. Since then, many countries have introduced private copying schemes, although their legal and administrative implementation varies across jurisdictions. Over time, and particularly with the spread of digital technologies, private copying practices have shifted from physical media to digital devices and online content, leading to ongoing adaptations in how compensation systems are structured and applied.

The 2020 *Global Private Copying Study*, carried out by BIEM, CISAC, and Stichting de Thuiskopie, provided a broad international overview of private copying. As with the prior study conducted in 2017, the 2020 study also examined how private copying is regulated and compensated in different countries, reviewed practical approaches and relevant court decisions, and analysed trends in private copying revenues from an economic perspective, including how revenues have evolved alongside changes in consumer devices and copying habits. For this Edition, the questionnaire was further refined in view of collecting key information on certain complex aspects of levy administration and introduces a new dedicated section on reprography levies, where present.

2.METHODOLOGY

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This Study adopts a standardised, cross-national survey methodology to examine the legal, economic, and administrative frameworks governing private copying. The Study updates and extends the 2020 Global Private Copying Study by analysing developments over the period 2019–2024. The harmonised questionnaire enables cross-country comparability while accommodating national legal and market specificities.

I. Geographical Scope and Regional Classification

This Study covers **196** countries across five geographical regions: Africa, Asia, North and South America, Europe, and Oceania. For the classification of the various countries within each region, the UN geographical regional classification was used in most cases. In some instances, territories are also analysed, in which case their classification is also based on geographical location.

II. Questionnaire

This Edition's questionnaire was developed with the inputs of a committee of representatives of each partnering institution, along with select experts from Copie France and the Electronic Licensing Forum (ELF). The questionnaire covers several main themes and topics, as briefly described below. To facilitate the rate of response, the questionnaire was translated for the first time into multiple languages (Spanish, French) and also made available in an online format (SurveyMonkey). Additional follow-up inquiries were also launched on occasion to clarify and complement the quantitative data received.

In the **Overview**, the questionnaire first gathers contextual information on the respondent country, local currency, collecting society or organisation, represented rightsholder groups, and appointing authority. Respondents were asked to identify the products, devices, and services subject to private copying remuneration, including equipment, storage media, cloud-based services, NPVR systems, and reprographic devices used exclusively or primarily for text and image copying (such as printers, scanners, copiers, and multifunctional devices).

Detailed reporting, including **tariff data**, were collected using standardised tables covering a defined set of devices and storage capacities (smartphones, tablets, external hard drives, NPVR subscriptions, memory cards, USB sticks, set-top boxes, reprographic devices, refurbished goods, and additional reporting lines to list other relevant products).

Revenue data were reported for the period 2019–2024, enabling longitudinal analysis. Revenues were reported year-by-year, and disaggregated to show the following:

- revenues derived from reprography levies on text and image copying devices;
- revenues derived from digital devices and storage media;
- percentage allocations between text & image and musical & audiovisual categories.

Revenues are attributed to the year in which the products subject to remuneration were placed on the market and exclude levies unrelated to private copying. Further qualitative explanations of revenue developments are included where present to complement the quantitative data.

Specific questions address whether **refurbished or remanufactured devices** are subject to private copying or reprography levies, how such devices are defined in national law or practice, and whether differentiated tariffs apply. This section captures regulatory approaches to secondary markets.

The questionnaire further examines **collection and distribution mechanisms**, including reporting obligations for liable parties, payment intervals, and the role of industry organisations, collecting societies, and public authorities (including tax or customs authorities). This section enables comparative assessment of administrative models governing the collection and distribution of both reprography and digital private copying levies.

Additionally, data on the existence, legal basis, percentage, and governance of **social and cultural deductions** applied to private copying revenues are examined. This provides some insights into the use of private copying remunerations to enhance local cultural policy objectives.

2.METHODOLOGY

Finally, respondents provide references to relevant **legislation**, pending reforms, and judicial decisions affecting private copying and reprography levies. These inputs contextualise quantitative findings within evolving legal frameworks and support a more future-oriented analysis.

III. Sources of Information

Data were collected from national collecting societies or other competent organisations responsible for administering or overseeing private copying remuneration. For each country, representative members of BIEM, CISAC and IFRRO, including other organisations relevant to private copying and reprography, were contacted via email to complete the questionnaire.

To the extent possible, authoritative sources of law have been used, including reference to provisions in WIPO-Lex, where available. Desk research was also used to complement any missing information in each country's reporting.

GDP and population figures are derived from the IMF (World Economic Outlook, April 2025); except for North Korea (estimates from the Bank of Korea) and Liechtenstein (World Bank). All are 2024 figures except for Eritrea (2019) and Syria (2010).

IV. Study Notation

There are several visual and organisational features included in this Study to facilitate its readability.

First, each geographical region is color-coded, allowing for a quick visual cue when moving between countries and regions.

1. Additionally, each country is categorised by number, indicating the level of private copying implementation, with "1" representing no implementation and "4" representing "full" implementation:
   1. Countries without a private copying exception;
   2. Countries with a private copying exception but without a compensation levy;
   3. Countries with a private copying levy but without collection and distribution mechanisms;
   4. Countries with a private copying levy and collection and distribution mechanisms.

2. This category number can be found at the top right corner of each country report, allowing readers to quickly flip through the Study to find the level of private copying implementation most relevant to their inquiry.

3. Another measure adopted to improve the readability of the Study includes a puzzle-piece icon representing the application of private copying to digital devices and media ("**D**") and reprography ("**R**"), with a complete system indicated by both interlocking pieces.

Finally, total revenues are reported in hundred-thousands (,000), where applicable (e.g., "11,326" in the Report tables means "Eleven-million, three-hundred twenty-six thousand").

3.EXECUTIVE SUMMARY

3.1 OVERALL FINDINGS

Private copying has expanded worldwide in part due to the rapid evolution of digital technologies and the widespread availability of devices and digital services capable of reproducing protected works. From smartphones and tablets to cloud storage and connected devices, consumers today can lawfully access, store, and reproduce content in ways that were unimaginable only a few decades ago. Legislators and administrative bodies across jurisdictions have responded to this reality by continuously updating private copying systems to maintain the balance between everyday consumer practices, evolving technologies, and creators' exclusive rights.

"Success factors" of a well-functioning private copying system involve a measure of flexibility and broad institutional cooperation to ensure that the resulting policies are agile enough to keep up with changing copying contexts and the needs of creators as well as users. A Study conducted by ARIPO in 2025 identifies the greatest indicators of a successful implementation of a private copying system as the following: clear legal frameworks with adaptable device lists; strong cooperation between governments, CMOs, customs, and revenue authorities; transparent collection and distribution rules; and the use of private copying revenues to support cultural, social, and economic development.[1] Across many countries analysed, those which enable periodic reviews of levies (every 2-4 years) and rely on empirical data for rate-setting practices, seem to provide the benchmark for a stable system.

Europe hosts many examples of countries which have taken proactive steps in revising their private copying laws in light of changes to consumer copying habits and the emergence of new technologies. While some countries have revised their laws to exclude older copying mediums such as CDs and DVDs from the scope of private copying, others have acknowledged the functionality of "cloud" copying and Non-Personal Video Recorders (NPVRs) and have addressed these technologies (directly or indirectly) through updates to their private copying practices (*see Europe*, 3.2.3).

There are also several key economic and cultural aspects of private copying systems worth highlighting:

> First, that it is a modest, **limited payment on consumer goods, having a minimal impact on the livelihoods of consumers**, while delivering significant value for creators. The median household spend which results in the payment of levies is estimated at EUR 3.19 per person for a tech-savvy household of four, and EUR 1.14 per person for an elderly couple employing only a few digital devices (*Economic Analysis*, Table 6 and Figure 1).
>
> Second, that private copying remuneration trends **as a whole have plateaued or declined within the last few years**. Between 2017 to present-day, private copying revenues have remained stable, and total revenues in 2023-2024 are similar to those in 2007-2010 in real terms (*Economic Analysis*, Figure 2). This can be pronounced when considering that global inflation rates have increased significantly over time, whereas private copying remunerations have not been proportionately raised. Apart from a peak in 2016 due to settlements, revenues from private copying increased only slightly between 2007 and 2024 when adjusted for inflation.
>
> Third, that **private copying and reprography levies deliver significant and reliable benefits to creators**, and particularly in the allocations for social and cultural funds. Over 20 countries include specific legislation to use private copying remunerations for social and cultural purposes, and these remunerations can be applied for a wide range of creators' support including educational programmes, artists' pensions, and to fund a wide array of cultural projects such as music festivals or films (see *Social and Cultural Funds*, 4.3).

Still, provided these benefits, the modern age means that traditional interpretations of core concepts of private copying must be revisited often. The "private" nature of such copying, the copying mediums used to store private copies, and the scope and permissibility of different private copying activities, have all required reinterpretation in

[1] African Regional Intellectual Property Organisation (ARIPO)(2025), "Regional Strategy on Private Copy Remuneration." Available at: https://www.aripo.org/storage/copyright-publication/1755683147_ARIPO%20Regional%20Strategy%20on%20Private%20Copy%20Remuneration.pdf

digital contexts. For example, copies stored in the cloud or made through a cloud service was determined by courts to be considered private copies, without the precondition of users "owning" the copying medium or service in question to apply (i.e., cloud storage servers).[2] The applicability of the private copying exception to offline streaming copies (also known as "tethered downloads") saved by users on their devices in the context of a subscription to a streaming service is currently being debated by the highest courts (See Annex 3, *Relevant Case Law from the European Court of Justice*, Case C-496/24).

Additionally, arguments have been raised that private copying levies can be detrimental for everyday consumers, and continue to grow without justification. However, these arguments are largely unfounded. According to figures derived from the Economic Analysis (Section 5), the cost of private copying for the average household is minimal (between 2-5 euros per family member per year on average) (*Economic Analysis*, Table 6). Additionally, as mentioned above, when examining the trend of private copying remunerations over time, total revenues have either plateaued or decreased in the last few years, even provided rapidly rising rates of inflation. In aggregate, this means that despite increases in device and copying media costs, private copying remuneration rates have generally remained stable.

Despite persistent challenges, the legal framework supporting private copying remains steadfast, founded on the principles that creators should be remunerated for copies made of their works; that the administration of private copying should be transparent; and that such payment ought to be reasonable, proportionate, and in line with consumer expectations.

3.2 KEY REGIONAL DEVELOPMENTS

3.2.1 North and South America

Private copying systems in North and South America are less developed compared to many European and some Asian jurisdictions, though there has been some notable progress and renewed efforts to fully implement such systems among Latin American and Caribbean countries.

In North America, Canada has maintained a limited exemption with regard to blank audio media, whereas the U.S. has kept a narrow scheme based on dated legislation, with no broad levy covering modern copying contexts (i.e., confined to certain audio recording technologies, and without a general levy on devices or media). In Canada, while the Copyright Board still sets tariffs on blank audio media, judicial interpretation of private copying limits extending private copying to cover modern devices with embedded storage.[3]

An example of a well-functioning and fully implemented system is Paraguay, which has successfully preserved the level of rightsholder income after a legislative measure previously halved it. In 2024, Decree N.º 2063/24 (Shopping/Tourism Regime) applied a significantly reduced calculation for remuneration on imported devices representing 50% less private copying revenues. This was successfully opposed through Decreto N.º 4145/2025 which restored remuneration levels and reinforced protections for creators.

Mexico will be a key jurisdiction to follow, as it actively campaigns towards the introduction of implementing legislation to clarify remaining ambiguities in its already-established private copying exception (i.e., parties responsible for payment). It is one of the countries identified to benefit from the introduction of a functioning private copying system (see Economic Analysis, Section 5).

Finally, the Association of Caribbean Copyright Societies (ACCS) started a project in 2025 to assess the potential introduction of private copying levies in multiple countries in the region (Barbados, Jamaica, St. Lucia, and Trinidad and Tobago). The goal is to establish "a reliable income stream that is not dependent on tourism or live events"[4] and to thereby ensure a more sustainable future for its creative sector.

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[2] Case C-433/20 Austro-Mechana v Strato AG
[3] Canadian Private Copying Collective v. Canadian Storage Media Alliance, 2004 FCA 424,(2004), 329 N.R. 101 (FCA)
[4] "Jamaica, St. Lucia, and Trinidad and Tobago." Sponsored by the Association of Caribbean Copyright Societies.

3.2.2 Africa

Across Africa, private copying remuneration has transitioned from isolated national policies to a regional harmonisation momentum that reflects both domestic legal progress and coordinated policy responses. Many countries have now laid the statutory foundation for remuneration, but are still establishing collection and distribution mechanisms, illustrating a broad continental shift toward recognising private copying as a meaningful source of revenues for creatives. At the same time, initiatives promoted through continental bodies like ARIPO have helped to add strategic guidance on legislative design and collaborative enforcement.[5]

A major milestone in West Africa has been the adoption of Directive No. 07/2023/CM/UEMOA on the harmonisation of remuneration for private copying by the West African Economic and Monetary Union (UEMOA) on 22 September 2023. This regional directive obliges the eight UEMOA Member States — Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal, and Togo — to transpose harmonised private copying provisions into national law by 2025, binding them to shared rules on levy bases, eligible devices, and collective management frameworks, with the aim of increasing creators' revenues and reducing legal disparities across the sub-region. Though only a few UEMOA states, such as Burkina Faso and Côte d'Ivoire, currently have operational private copying regimes, the directive's implementation — supported by CISAC, WIPO, IFRRO and regional workshops — is expected to accelerate private copying adoption and strengthen cultural economies.

Nigeria will also be a key country to follow regarding private copying reform. While some collections have been reported[6], it will be crucial to evaluate these figures and ensure that they represent a fair amount of remuneration for creators. If private copying remuneration is duly collected across three types of digital devices (smartphones (excluding function phones); computers and tablets), given current market conditions, it has the potential to generate over 12.7 million euros for Nigeria's creatives (See *Economic Analysis*, Table 4).

Taken together, national and regional developments demonstrate that African policymakers are responding proactively to the challenges of digitalisation: by modernising copyright exceptions into more structured remuneration systems, harmonising rules across borders, and integrating private copying into broader cultural and economic strategies, they ensure that private copying collectively benefits society.

3.2.3 Europe

Private copying is firmly embedded in the European copyright framework. Article 5(2)(b) of the Information Society Directive (2001/29/EC) permits Member States to introduce a private copying exception, subject to fair compensation for rightsholders. As reflected in the Study, 42 out of 44 European countries examined provide for a private copying exception, and the vast majority of EU Member States operate functional remuneration systems. For several countries in this region in particular, social and cultural deductions are embedded in the distribution framework, reinforcing the broader cultural policy dimension of private copying remuneration.

Recent legal developments at EU level have also clarified the scope of the exception in the digital environment. In Austro-Mechana (C-433/20), the CJEU confirmed that private copying may extend to copies made in the cloud, but Member States are not obliged to impose levies directly on cloud service providers. Instead, they retain discretion as to how "fair compensation" is ensured. This has led to differentiated national approaches. Some Member States have explicitly included certain digital storage uses within their levy frameworks, while others, such as the Netherlands, address cloud-related copying indirectly by factoring cloud usage into a surcharge on commonly used devices (e.g. PCs, smartphones, tablets).

Overall, the European landscape demonstrates strong and continued recognition of private copying as a lawful and socially valuable part of cultural engagement, which merits some form of compensation due to rightsholders. While

[5] See ARIPO (2025), "Regional Strategy on Private Copy Remuneration." Available at: https://www.aripo.org/storage/copyright-publication/1755683147_ARIPO%20Regional%20Strategy%20on%20Private%20Copy%20Remuneration.pdf
[6] These figures have not been publicly disclosed.

private copying exceptions and remuneration mechanisms remain the dominant model, there is variation in scope, tariff-setting methods and effectiveness of collection. Key developments centre on adapting systems to digital consumption patterns (cloud storage, streaming, multifunctional devices) and ensuring compliance with EU law, particularly the requirement that compensation be effective, proportionate and linked to the harm caused to the rightsholder by the restriction of their exclusive rights.

3.2.4 Asia

Private copying in Asia is characterised by a significant gap between the existence of copyright frameworks and the effective implementation of private copying remuneration systems. Of the 48 countries and territories examined, 10 have no private copying exception at all, while 30 provide for an exception but without any accompanying remuneration mechanism. In numerous countries in this region, collection and distribution systems are either not fully operational or face structural obstacles.

In five countries of this region, the collection and distribution systems are either not fully operational or face structural obstacles involving governance disputes, enforcement issues and/or limited effective collections in recent years.

Japan, while being one of the few examples in this region of a fully operational system, still faces challenges when updating the private copying model domestically. The scope of devices subject to levy, for example, has not kept pace with technological developments, resulting in sharply declining revenues. If updated to include smartphones, tablets and PCs, private copying remunerations for Japan could reach up to 212.7 million euros for the benefit of creators (*Economic Analysis*, Table 4).

Overall, the Asian landscape shows that while private copying for personal use is widely tolerated in law, effective remuneration systems remain the exception rather than the rule. Most large markets—including China, India, Indonesia and South Korea—provide only uncompensated exceptions. Where levy systems exist, they are often limited in scope (primarily audiovisual and phonogram reproduction), administratively fragile, or not technologically updated. As a result, rightsholders across much of Asia do not benefit from private copying income domestically and may also be disadvantaged internationally where reciprocity conditions apply.

3.2.5 Oceania

Private copying remuneration systems are effectively absent across Oceania, with none of the sixteen studied countries and territories operating a fully functional private copying remuneration scheme.

Five countries do not provide for a private copying exception at all. The remaining jurisdictions generally include limited private copying or related exceptions in their copyright laws, but without any mechanism for compensating rightsholders.

Australia and New Zealand, the region's largest markets, allow certain forms of private copying but without compensation. The only notable development in the region is New Caledonia's 2023 legislation introducing a right to private copying remuneration; however, as noted in the Study, its implementation is currently suspended due to a moratorium.

Overall, Oceania stands out globally for the near-total absence of private copying remuneration systems. As a result, rightsholders in the region do not receive remuneration for private copying, and potential revenues—particularly in technologically advanced markets such as Australia and New Zealand—remain untapped.

3.3 FUTURE-LOOKING PERSPECTIVES

Many countries around the world now seek to make private copying regimes technologically neutral (i.e., not tied to specific media types), a shift that some countries may continue to struggle with. For example, some early implementing laws may have specified then-popular copying media, thus requiring legislative act to fully update (e.g., At Home Recording Act of 1992 (U.S.), limited in scope to certain audio recording technologies, and similar legislative provisions under Japanese law).

Private copying can also serve as an inspirational model for revitalising the ways in which user activities can still compensate creators, even provided informational challenges. Tools such as empirical analysis of copying practices and consumer surveys help to bridge gaps in reporting and reframe private copying activities in accordance with daily life. While not a perfect estimate, private copying remuneration represents a minimal impact on our day-to-day enjoyment of creative works while delivering a consistent source of support for creators.

Overall, this Third Edition of the Private Copying Global Study brings to light the many changes – and challenges – that have been brought on by digitalisation. Traditional interpretations of core concepts of private copying have been tested over time, such as the "private" nature of such copying, the copying mediums to store private copies, and the scope and permissibility of private copying activity in light of new forms of digital consumption. Yet, even considering these questions, this Study demonstrates that the private copying framework remains strongly founded on the notion that legal systems can be designed to promote and safeguard the interests of creators as well as consumers.

When implemented effectively, private copying remunerations can compensate creators for widespread copying of their works by consumers on a daily basis, support creative industries and cultural policy goals, and provide a reliable source of income for creators at a time where creative practices seem more threatened than ever. It is in these respects that the ethos of private copying continues to be as relevant and important to society as it was when it first emerged.

4. LEGAL BACKGROUND

4.1 LEGAL FRAMEWORK AND PRACTICAL IMPLEMENTATION

The legal concept of private copying exists in many jurisdictions around the world, reflecting a shared international understanding that non-commercial copying of protected works for personal uses is an inevitable and legitimate aspect of modern cultural participation. Because private copying occurs in the private, individual sphere, the creators whose works are copied, likewise, may not otherwise be able to effectively fair remuneration for these widespread uses of their works. The transaction costs would simply be prohibitive. To receive the integrity of the private sphere and practical difficulties to establish the value of each single copy made, private copying activities are often estimation-based, where some jurisdictions may mandate empirical study as a basis for deciding the amount of remuneration to collect on a particular device or technology capable of storing copies.

The private copying exception was first introduced in the German Copyright Law in 1966, based on two previous Supreme Court decisions of 1955 and 1964, respectively, applying initially to sound and video recording equipment sales. Most continental European countries followed the German model and have granted rightsholders with a remuneration right in order to compensate for the private use of their works, and this system became a model for legislators elsewhere around the world.

One touchstone legal provision pertaining to the implementation of private copying is its formulation under EU Directive 2001/29 ("Information Society" Directive). Article 5(2) of Directive 2001/29 which provides that:

> 'Member States may provide for exceptions or limitations to the reproduction right provided for in Article 2 in the following cases:
>
> [...]
>
> (b) in respect of reproductions on any medium made by a natural person for private use and for ends that are neither directly nor indirectly commercial, on condition that the rightsholders receive fair compensation which takes account of the application or non-application of technological measures referred to in Article 6 to the work or subject-matter concerned."

Many key principles have also been defined by the courts in relation to the administration of private copying levies among EU Member States. Foremost, that the scope of protection of the acts covered by the reproduction right must ensure a high level of protection for authors, and that this recognition implies a broad construction of the reproduction right.[7] Following this, exceptions and limitations to rights included in the InfoSoc Directive would be undermined if they "were interpreted in such a way as to have the effect of excluding [...] technological developments and of the emergence in particular of digital media and cloud computing services."[8] This has implied that the private copying exception under EU law must be interpreted as technology neutral, applying in cases of new exploitations of works made possible through new technologies.

Other key principles clarified by the CJEU include the following: private copies must be made by a natural person for non-commercial uses; private copies[9] must be made from a legal source and under EU law, fair compensation is mandatory[10]. Regarding the latter, while in some jurisdictions around the world (outside of Europe) a private copying exception exists, there is often no accompanying remuneration system. This runs against the notion that, as an exception to copyright, private copying deprives rightsholders of their right to authorise such copies. In this sense, private copying can best be referenced as a compensatory mechanism.

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[7] Case C-433/20 Austro-Mechana v Strato AG
[8] Ibid., para. 28.
[9] Case C-435/12 ACI Adam
[10] Case C-462/09 Opus

4.2 REPROGRAPHY

Reprography is addressed in this Edition of the Study because of its complementary relationship with private copying. Like private copying systems, reprography levies emerged as a pragmatic response to widespread photocopying, with remuneration typically derived from levies on relevant devices and/or from blanket licensing schemes. While private copying levies generally compensate for personal, non-commercial reproductions — most often involving consumer media — reprography schemes extend this logic to copying carried out within educational, professional, or other institutional environments.

As copying technology spread in the 1960s, legislators and courts confronted the gap between strict exclusive rights and ubiquitous copying. Germany is often cited as pioneering levy-based systems, later extending its laws to reprographic contexts. Nordic countries also led the way in developing collective solutions in education: Sweden's school copying arrangements led to the formation of BONUS in 1973 to manage licensing revenues for educational copying.

Operator fees are another form of reprography remuneration in which the obligation to pay compensation is placed on the user or operator of copying equipment, rather than on the manufacturer, importer, or seller of the device. The liable party is typically an institution or organisation that operates copying equipment (e.g. schools, universities, libraries, public administrations, businesses, copy shops). Payment is often calculated by reference to actual or estimated use (number of copies, volumes, staff/student numbers, or sector-based tariffs), rather than by reference to the technical capacity or sale of a device.

Reprography levies – and reprography remuneration schemes more broadly – are designed to compensate the rightsholders in text-and-image works for copying that happens without individual permission (or under a statutory exception). Publishers and other rights-acquiring producers may also be beneficiaries of reprography levies, in addition to traditional book authors, journalists, illustrators, photographers, and visual artists.

4.3 COLLECTION AND DISTRIBUTION

The underlying principle of private copying remuneration is that the end user—the person who benefits from the private copying exception—should ultimately bear the cost of compensation. In practice, however, collection is organised upstream for efficiency and enforceability: compensation is most commonly collected from manufacturers and, more frequently, importers of copy-enabling devices and blank media, who are legally liable for payment to the collecting society. This approach reflects both market realities and (in the case of the EU) established CJEU case law confirming that indirect collection is compatible with EU law, provided the payment can effectively be passed on to users.

This model also protects users from the administrative and privacy risks of direct licensing. The private copying exception exists precisely because monitoring private acts of copying would be both technically unworkable and invasive of the private sphere and would lead to prohibitive transaction costs for right owners as well as users. Private copying systems therefore operate as a practical compromise: they recognise private copying as lawful, while ensuring that rightsholders receive fair compensation for harm caused by those uses. When payments are set in relation to device type and storage capacity, compensation is automatically aligned with copying potential—so households contribute in proportion to the capacity of the tools they use. The Study further provides many examples of centralised collection through one (or several) designated collecting societies based on repertoire, with importers/manufacturers reporting sales and paying the applicable remuneration.

Distribution is often more complex: collected amounts are typically allocated across categories of works (audio, audiovisual, written works, images), and then divided among rightsholder groups (authors, performers, producers, publishers) according to rules set by law, regulation, or negotiated agreements. The spread of multifunctional digital devices has also expanded the distribution logic beyond music and film, making it increasingly important to include writers, visual artists, photographers and other sectors in the distribution (or allocation) "keys".

Finally, state-funded compensation models for collecting and distributing private copying remunerations may be structurally problematic given well-established private copying principles. In EGEDA (C-470/14), the CJEU held that Spain's system of funding private copying compensation via the state budget was incompatible with EU law because it could not ensure that the cost was borne by the final users of private copies, as required by Article 5(2)(b) of the InfoSoc Directive. Beyond legal incompatibility, this approach may also be economically unstable for rightsholders: as illustrated by Finland's decision to reduce state payments for budgetary reasons in 2024, it exposes rightsholders' compensation to political trade-offs unrelated to actual copying behaviour.

4.4 SOCIAL AND CULTURAL FUNDS

A distinctive feature of many private copying remuneration systems is the allocation of a defined share of collections to social and cultural funds. As demonstrated in the Study, in the majority of countries, a percentage ranging from 2-50% is deducted from the amounts collected from private copying and put towards activities that directly (or indirectly) support creators.

These funds typically finance cultural initiatives such as large-scale projects (including music festivals and film production), but also play an important role in supporting niche content, emerging talent and innovative projects that may be commercially risky. In addition, private copying-funded schemes often include professional training and development programmes for young artists, strengthening the long-term sustainability of global creative ecosystems.

Beyond their value to rightsholders, these funds also generate wider public benefits. They support cultural events and institutions that expand access to culture—often enabling cheaper or free entry to events—while promoting cultural diversity and ensuring that new voices can reach audiences. These collective allocations are widely viewed as a valuable part of private copying systems, particularly given their impact on cultural vitality and social conditions for creators.

Percentages of social and cultural deductions vary widely across Europe and globally, and are often set by law; in some cases, dedicated governance structures ensure that rightsholders participate in decisions on how funds are used. The legitimacy of such deductions has also been upheld by the CJEU, provided the funds genuinely benefit those entitled to compensation and are administered in a non-discriminatory way.

4.5 ADMINISTRATIVE OVERSIGHT AND ROLE OF COURTS

Private copying remuneration systems operate within a legal and administrative framework that requires ongoing oversight, particularly because tariff-setting, scope decisions and exemptions often involve balancing the interests of rightsholders, industry and users. As the Study shows, the way tariffs are set differs between countries: some rely on direct state intervention; others use negotiated systems between rightsholders and importers/manufacturers; and many apply models combining both approaches. Administratively, state authorities, collecting societies and courts form an interconnected structure of governance, each playing a specific role in promoting well-functioning private copying systems.

Some jurisdictions entrust specialised bodies appointed by government with identifying which devices and media should be subject to levies and with advisory capabilities or even decision powers regarding the levels of remuneration set.

Courts also play a decisive role in shaping private copying systems, both in defining their scope and in ensuring compliance with legal standards. Courts can also help determine whether devices fall within the scope of the compensation system, often through litigation initiated by industry players.

To use the EU as an example, CJEU caselaw has been especially influential in clarifying core principles such as a high level of protection for creators, "harm" as the basis for fair compensation, and the need for a link between levied devices and their presumed use for private copying. This jurisprudence has effectively set boundaries for national systems, requiring that they be justified by actual copying practices, applied in a technology neutral manner,

and designed in a way that ensures fair compensation. Any resulting legislation, therefore, must represent a balance between the interests of creators, industry and consumers.

Judicial oversight has also been crucial in addressing practical implementation issues, particularly around subjects such as professional use, payment obligations, refunds and cross-border transactions. Following the landmark Padawan ruling (C-467/08), the CJEU held that applying levies indiscriminately to devices acquired for clearly professional purposes is incompatible with EU law, forcing many countries to introduce exemption and refund mechanisms. The recent *bluechip* decision (C-822/24) further refines the concepts of payment obligation and (conditions for) refund.

Padawan triggered extensive follow-on litigation and legislative reforms, including in Spain where the levy system was temporarily replaced by a state-funded model before being struck down in *EGEDA* (C-470/14) for failing to ensure that the cost of compensation was borne by private copying users.

In parallel, cross-border enforcement has been shaped by rulings such as *Thuiskopie v Opus* (C-462/09), which confirmed that Member States have an obligation of result to ensure effective recovery of levies where the harm occurs—namely, in the consumer's country of residence.

These decisions demonstrate that, in developing private copying jurisprudence, courts can be viewed as active drivers of the legal design and functioning of private copying remuneration systems, as well as legislators, collecting societies, or administrative authorities.

ROLES OF ADMINISTRATIVE AUTHORITIES, COLLECTING SOCIETIES AND COURTS IN PRIVATE COPYING ("PC")

ROLE	ADMINISTRATIVE AUTHORITIES AND/OR COLLECTING SOCIETIES	COURTS
Tariff-Setting	Review the fairness of scope of PC and rates based on usage studies, stakeholder input, and the emergence of new technologies.	Review legality and proportionality of the private copying system; interpret private copying against fundamental rights considerations of involved stakeholders and copyright principles.
Monitoring Technology	Track new devices, storage media, and practices to adapt to new forms of private copying in a technology neutral manner.	Ensure that legal interpretations (e.g., exemptions, scope of PC) keep pace with technological developments.
Maintaining & Reinforcing Private Copying Principles	Ensure that remuneration from PC balances rightsholder interests, private user freedoms, and business interests.	Interpret and enforce fair compensation obligations against new forms of copying; Further clarify scope of exceptions and levy mechanisms in caselaw, particularly in the digital context.

5. ECONOMIC ANALYSIS

5.1 PRIVATE COPYING LEVIES ON DEVICES

In the questionnaire, representative organisations were asked to provide detailed information on private copying levies and reprography levies per device in 2025. In order to achieve maximum comparability across countries, they were asked to provide the levy applicable to a set of specific devices and storage capacities[1]. In addition, they were asked to provide the tariffs for other capacities, reprographic devices, refurbished devices and other devices, if applicable.

This yielded consistent information on private copying levies for a set of thirty-four countries in total, mostly in Europe. These private copying levies are presented and compared in this section. Some countries also provided detailed information on reprography levies. The latter information can be found in the individual country reports in this volume. It is not further analysed here because the number of countries providing such information is limited, while there is considerable diversity in the reprography devices levied and the capacity definitions and thresholds countries use.

Representative organisations were also asked to indicate whether there are levies on refurbished devices (and if so, whether special tariffs apply) and to indicate if there are levies on cloud storage services. While many countries have levies on refurbished devices, up until now, none of the countries responding to the questionnaire have introduced a levy on cloud storage.

5.1.1 Percentage and fixed private copying levies

Fifteen countries in the dataset, in particular countries in Eastern Europe and outside Europe, have structured private copying levies strictly as a ***percentage*** of the import price or sales price. This ensures a fixed ratio between the levy and the value of a device for the end user and makes sure that levies respond to price developments for devices. By doing so, negative effects of relatively high levies on consumer demand can be avoided. At the same time, incentives are reduced for importers, retailers and consumers to circumvent the levy system. Countries that use percentage levies typically do not differentiate this percentage based on the storage capacity of devices. Through the price of a device, the levy will naturally increase with storage capacity.

Seventeen other countries, particularly in Western and Southern Europe have a system of exclusively ***fixed levies*** per type of device. Such fixed levies often increase with the storage capacity. Fixed levies can be more transparent and predictable by not being dependent on discounts, and by not differing between retailers and brands of devices.

Only one country in the dataset, namely Slovenia, has fixed levies that depend on the price bracket in which the wholesale price of a device falls. Two countries, namely Czech Republic and Latvia, use a combination of percentage and fixed levies.

[1] Namely smartphones (128 and 256 GB), tablets (64, 128 and 256 GB), external hard drives (1 and 4 TB), SD/micro SD memory cards (32 and 128 GB), USB-sticks (64 and 256 GB), set top boxes with internal hard drive (≤ 256 GB and >256 GB) and NPVR subscriptions (8 hours/8 GB and 100 hours/100 GB).

Table 1 provides an overview for all sixteen countries in this study that wholly or partially rely on percentage levies in 2025. Overall, percentage levies range from 0.35% on various devices in Kazakhstan, to 15% in Ghana.

Table 1: Percentage levies (2025)

	Smartphone 256 GB	Tablet 256 GB	External HD 1 TB	SD/micro-SD 128 GB	USB-stick 64 GB	Set top box 256 GB	Laptop 500 GB	NPVR 100 GB	Reprography	Refurbished	Basis
Botswana	2%	2%	2%	2%	1%	2%	2%	No	No	No	U
Czech Republic	F	F	F	F	F	3%		No	Yes	U	S
Ghana	15%	15%	15%	15%	15%	15%		No	Yes	Yes*	I
Greece	2%	2%	6%	6%	6%		2%	No	Yes	100%	I/M
Iceland	1%	1%	4%	4%	1%		1%	No	No	U	U
Kazakhstan	0.35%	0.35%		0.35%	0.35%	0.35%		No	No	U	I
Latvia	F	F	4%		6%		F	No	Yes	100%	S
Malawi	5%	5%	5%					No	Yes	U	
Moldova	0.30%	0.30%	0.30%	0.30%	0.30%			No	Yes	U	S
Paraguay	0.50%	0.50%	0.50%		0.50%	0.50%		No	Yes	U	I
Poland				0.47%	0.47%	0.87%		No	Yes	100%	S
Romania	0.50%	0.50%	0.50%	0.5~3%	0.50%	0.50%		U	Yes	100%	I
Russian Fed.	1%	1%	1%	1%	1%	1%		U	No	U	M
Serbia	0.50%	0.50%	1%	1%	1%		1%	No	Yes	U	I
Slovak republic	0.70%	0.60%	6%	6%	6%	3%	0.15%	No	Yes	100%	I/S
Tanzania	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	No	Yes	U	I/M

Notes: For Czech Republic and Latvia, fixed levies are indicated with 'F'. Other symbols: *If imported, U = Unknown/not specific, I = import price/value, M = Manufacture price, S = Sales price.
Reading example: In Botswana, the levy on a smartphone with 256 GB storage capacity is 2%.

For a concise comparison, a specific capacity is chosen for each type of device, as is shown in the table. In addition, the table indicates whether countries also have reprography levies, and whether refurbished devices are subject to a levy. Note that countries may also have a levy on other devices or media which are not listed in the table, such as e-readers, smartwatches, MP3-players, blank CDs or DVDs, etc. Also note that respondents were not explicitly requested to provide information on the levy for laptops but could do so under 'All Other Devices'. As a result, this information may be missing for some countries, while in fact they do have a levy on laptops.

Another caveat when interpreting **Table 1** is that while the percentage levies in the table look comparable, the price definition that they relate to may differ. Some countries charge a percentage of the sales price while others use a percentage of the import or manufacture price. The last column in the table mentions the available information for the basis for the levies. Also, the value added tax (VAT) treatment of levies may differ between countries: percentage levies may be due over the price with or without VAT.

Table 2 gives an overview for all nineteen countries in our study that report fixed private copying levies for 2025. **Table 2** is limited to the same set of standardized devices in terms of storage capacity as **Table 1**. The table shows that most of these countries have levies on a wide range of digital devices, such as smartphones, tablets, USB-sticks and SD cards. As in **Table 1**, some of these countries may also have a levy on other devices or media

which are not listed in the table, while some may not have reported their levy on laptops since it was not explicitly requested in the questionnaire. All levies in **Table 2** refer to 2025 and have been converted to EUR using 2025 average exchange rates.

Table 2: Fixed levies in EUR (2025)

	Smartphone 256 GB	Tablet 256 GB	External HD 1 TB	SD/micro-SD 128 GB	USB-stick 64 GB	Set top box 256 GB	Laptop 500 GB	NPVR 100 GB	Reprography	Refurbished
Austria	5.50	5.50	2.25	0.45		29.25		No	Yes	No
Belgium	4.00	4.00	5.00	1.00	1.00	4.00		Yes	Yes	60%
Bosnia and Herzegovina	2.12	0.40	0.40	0.40	0.40	2.02		No	Yes	U
Croatia	1.33	1.33	0.40	0.40	0.40		0.80	No	Yes	U
Czech Republic	3.64	3.64	6.07	3.64	3.64	%		U	Yes	100%
Denmark	6.60	6.60	2.35	0.59			6.60	No	No	U
Estonia	3.50	3.50	3.50	0.50	0.50		3.50	No	No	U
France	14.00	14.00	6.00	3.40	2.80	22.50		0.42*	Yes	<100%
Germany	6.25	8.75	4.44	0.30	0.30	12.00	10.63	No	Yes	Yes
Hungary	11.41	11.53	6.51	9.85		14.41		No	Yes	<100%
Italy	6.90	6.90	9.21	8.96	5.12	6.44		No	No	100%
Latvia	1.50	2.85	%		%		2.85	No	Yes	Yes
Lithuania	4.34	4.34	2.31	1.44	0.87	4.34	5.79	No	Yes	100%
Netherlands	5.30	2.60	0.80		0.40		2.80	No	No	60%
Portugal	15.00	15.00	4.10	2.05	1.02	4.10		U	Yes	100%
Slovenia	4.86~ 9.97	4.86~ 9.97		0.55	0.31	7.60	4.86~ 9.97	U	Yes	100%
Spain	3.25	3.75	9.21	0.24	0.24		5.33	No	Yes	100%
Sweden	6.76	6.76	2.70	1.08	1.08		6.76	U	No	U
Switzerland**	4.85	4.85	4.05	3.90		4.85		0.96*	No	100%
Median > 0	5.30	4.85	4.05	1.00	0.69	6.44	5.56	0.69*		
Median all	5.30	4.85	3.77	0.59	0.40	4.05	0.80	0.00		

Notes: *Per subscription per month. **Same levies apply in Liechtenstein. U = Unknown/not specific.
Slovenia has fixed levies on smartphones, tables and laptops that depend on the price bracket in which the wholesale price of a device falls. The mean of the indicated levies for Slovenia is used for calculating the median values. For Czech Republic and Latvia, percentage levies are indicated with '%'. VAT treatment of levies may differ between countries.
Reading example: In Austria, the levy on a smartphone with 256 GB internal storage capacity is EUR 5.50. The median levy on such smartphones is EUR 5.30.

The last two columns in **Table 2** indicate whether countries have reprography levies, and whether levies also apply to refurbished devices. Several countries apply the same levies to refurbished devices as to new devices. These are indicated in the table as '100%'. The Netherlands and Belgium apply 60% of the tariffs for new devices, to account for the shorter lifespan of refurbished devices. France and Hungary also apply lower tariffs on refurbished devices.

The last two rows give two different calculations of the median levy for all countries. The median or 'middle' value is much less sensitive than the mean for outliers at the low or high end and is therefore a better indicator for the 'average' levy[2]. The first of the two medians in the table calculates the median for all countries which have a levy on that specific device. This implies that countries which do not have a levy on a specific device (or for which

[2] The median is the 'middle' value of distribution; the mean of a distribution is the sum of all values divided by the number of values. If a distribution has an even number of values, the median is the mean of the two middle values. Thus, the median of 1, 6 and 8 equals 6, while the median of 1, 2, 6 and 8 equals 4 (namely (2+6)/2). The means of these distributions are 5 and 2.1 respectively.

information is missing), are excluded in that calculation. The second calculates the median for all countries in the table, including those which have a zero levy for that specific device.

5.1.2 Correction for differences in purchasing power

The purchasing power that a levy of EUR 1 represents varies significantly between countries. In a wealthy country such as Switzerland, EUR 1(exchanged into Swiss Francs) will buy you much less than in Kazakhstan (exchanged into Kazakhstani tenge). To shed light on the actual purchasing power that levies represent and to achieve a more adequate comparison of levy rates between countries, **Table 3** gives the fixed levies from **Table 2**, after correction for differences in purchasing power between countries[3]. Correction for differences in purchasing power generally brings the levies of countries closer together.

Table 3: Fixed levies in EUR, corrected for purchasing power parity (2025)

	Smartphone 256 GB	Tablet 256 GB	External HD 1 TB	SD/micro-SD 128 GB	USB-stick 64 GB	Set top box 256 GB	Laptop 500 GB	NPVR 100 GB	Reprography	Refurbished
Austria	6.76	6.76	2.76	0.55		35.94		No	Yes	No
Belgium	4.76	4.76	5.95	1.19	1.19	4.76		Yes	Yes	60%
Bosnia and Herzegovina	4.63	0.88	0.88	0.88	0.88	4.41		No	Yes	U
Croatia	2.42	2.42	0.73	0.73	0.73		1.45	No	Yes	U
Czech Republic	5.71	5.71	9.52	5.71	5.71	%		U	Yes	100%
Denmark	6.40	6.40	2.28	0.57			6.40	No	No	U
Estonia	4.85	4.85	4.85	0.69	0.69		4.85	No	No	U
France	17.46	17.46	7.48	4.24	3.49	28.05		0.52*	Yes	<100%
Germany	7.98	11.17	5.67	0.38	0.38	15.32	13.57	No	Yes	Yes
Hungary	21.55	21.77	12.30	18.60		27.22		No	Yes	<100%
Italy	9.81	9.81	13.10	12.74	7.28	9.16		No	No	100%
Latvia	2.54	4.83	%		%		4.83	No	Yes	Yes
Lithuania	7.38	7.38	3.93	2.45	1.48	7.38	9.84	No	Yes	100%
Netherlands	6.34	3.11	0.96		0.48		3.35	No	No	60%
Portugal	23.92	23.92	6.53	3.27	1.63	6.53		U	Yes	100%
Slovenia	7.47~15.33	7.47~15.33		0.85	0.48	11.68	7.47~15.33	U	Yes	100%
Spain	4.96	5.72	14.05	0.37	0.37		8.13	No	Yes	100%
Sweden	8.15	8.15	3.26	1.30	1.30		8.15	U	No	U
Switzerland**	3.86	3.86	3.22	3.10		3.86		0.76*	No	100%
Median > 0	6.40	6.40	4.85	1.19	1.04	9.16	7.27	0.64*		
Median all	6.40	6.40	4.39	0.88	0.71	4.59	1.45	0.00		

Notes: *Per subscription per month. **Same levies apply in Liechtenstein. U = Unknown/not specific.
Reading example: In Austria, the purchasing power corrected levy on a smartphone with 256 GB internal storage capacity is EUR 6.76 (EUR 5.50 without this correction, see Table 2). The purchasing power corrected median levy on such a smartphone is EUR 6.40 for all countries in the table, which implies that the Austrian levy is slightly higher than this median.

[3] Purchasing power parity (PPP) conversion rates for private consumption have been used. The last available year for the PPP conversion rates was 2024 (retrieved from the World Bank per January 2026). These rates are expressed as local currency units (LCU) per international dollar and have been recalculated to US dollar per international dollar using annual average exchange rates, to arrive at actual purchasing power correction factors for each year. Next, these factors have been applied to the levies and revenues expressed in EUR.

5.1.3 Revenue potential for selected countries

The median levies in **Table 3** that have been corrected for differences in purchasing power, may be used to calculate the revenue potential per device type for countries that do not have such levies. This is what has been done in **Table 4** for a set of five countries: Bulgaria, Japan, Mexico, Nigeria and Poland.

As a first step, the median levies from **Table 3** are adjusted in line with national differences in purchasing power. For this calculation of revenue potential, the first of the two medians in the table (for all countries which have a levy on that specific device) is used. By doing so, the median levy of EUR 6.40 for a smartphone (see **Table 3**) translates to EUR 2.76 in Bulgaria, to EUR 4.28 in Japan etc. (see **Table 4**). The same has been done for computers and for tablets[4].

Next, using country specific sales data for 2024 (obtained from IDC), the revenue potential based on these levies can be calculated. Thus, in Japan, for instance, the revenue potential from smartphones would be between around EUR 129 M, from computers around EUR 66 M and from tablets around EUR 25 M. For these three devices combined, the revenue potential lies around EUR 220 M. For reference purposes, the table also mentions the total population per country and the projected revenues per capita.

Note that the projected revenues for Nigeria are relatively low and may not represent the full picture of private copying potential in the country. This is due to a relatively low penetration of smartphones, tablets and laptops in the population (feature phones with less functionality are still popular in Nigeria) and relatively large secondary and grey markets for devices, which are not tracked by IDC.

Table 4: Benchmark levies and revenue potential for selected countries and devices

	Benchmark levy based on median values (EUR)			Revenue potential based on benchmark levy and sales (M EUR)					
Country	Smartphone	Computer	Tablet	Smartphone	Computer	Tablet	Total	Population (M)	Per capita (EUR)
Bulgaria	2.76	3.13	2.76	3.9	0.9	0.4	5.1	6.4	0.80
Japan	4.28	4.86	4.28	129.3	66.1	25.1	212.7	124	1.78
Mexico	3.84	4.36	3.84	114.9	19.1	7.4	139.2	131	1.08
Nigeria	1.15	1.30	1.15	12.0	0.4	0.3	12.7	233	0.05
Poland	3.33	3.78	3.33	29.3	8.8	3.2	40.3	36.6	1.13

[4] Coincidentally, the median PPP-corrected levy for smartphones and tablets from Table 3 is identical (€6.40), which implies the projected levies for these devices in Table 4 are also identical per country.

5.1.4 Levies paid by two hypothetical households

How do the percentage levies in **Table 1** and the fixed levies in **Table 2** work out in practice for a typical household? And how do these outcomes compare between countries? This depends on the consumption pattern of a household[5]. To illustrate this, and to assess how different levy systems work out for the same household, two hypothetical households were constructed:

- A ***tech-savvy family***, consisting of two adults and two teenagers. They all have their own state-of-the-art smartphone and laptop, which they replace every three and four years. Amongst them, they share two tablets, eight USB-sticks, two external hard drives, and two SD cards. For recording live television, they share one NPVR subscription.
- An ***elderly couple***, that is much less keen on owning the newest devices and keeping up with technological trends. They both own a smartphone which they replace every five years, but no tablet. They share one laptop, two USB-sticks and one SD card for their digital photo camera. For recording live television, they share one NPVR subscription.

Table 5 summarizes the hypothesized device ownership per household, the number of years each device is assumed to be used before replacement, and the resulting annual number of purchases per device per person. To be able to evaluate the percentage levies, **Table 5** also gives a hypothesized unit price per device for each household[6].

Table 5: Device ownership, replacement rate and unit price for two hypothetical households

	Tech-savvy family				Elderly couple			
	Devices in household	Years before replacement	Purchases per person per year	Unit price (EUR)	Devices in household	Years before replacement	Purchases per person per year	Unit price (EUR)
Smartphone 256 GB	4	3	0.33	600	2	5	0.20	400
Tablet 256 GB	2	5	0.10	800				
External hard drive 1 TB	2	8	0.06	150				
SD Memory card 128 GB	2	8	0.06	60	1	10	0.05	60
USB-stick 64 GB	8	5	0.40	15	2	8	0.13	15
Laptop 500 GB	4	4	0.25	1200	1	6	0.08	800
NPVR 100 GB	1				1			

Notes: Levy for NPVR via monthly subscription does not depend on replacement rate or price.

[5] The high levies in Ghana (15%) must be nuanced in view of the relatively large secondary and grey markets, where levies are not paid, and relatively low penetration of digital devices compared to most European countries. For that reason, Ghana is excluded from the analysis in this section.

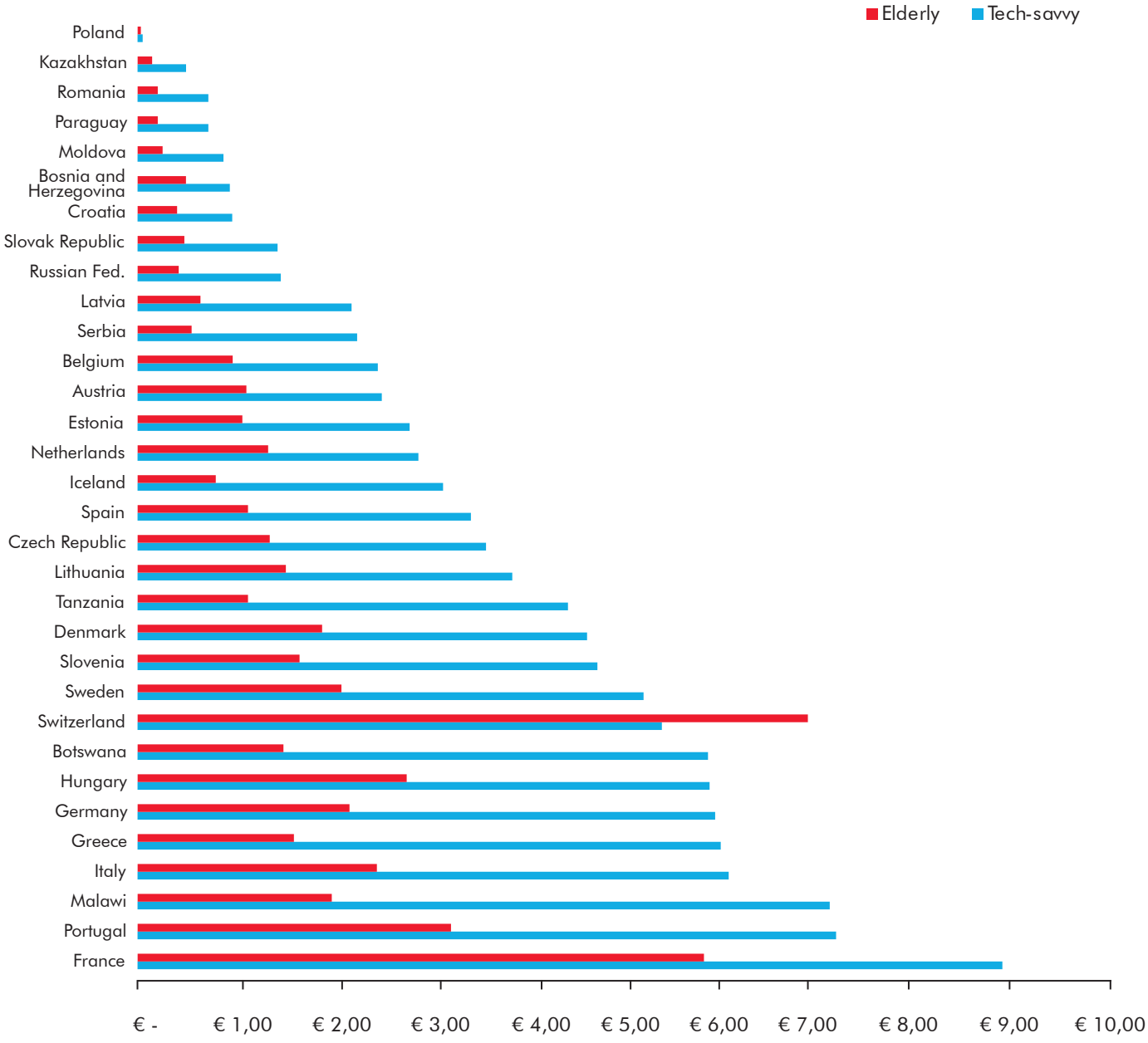
[6] As was mentioned in the context of Table 1, the price definition (basis) of percentage levies differs between countries. For the calculations in this section, it is assumed that the relevant import price or manufacture price is 50% of the unit price as indicated in Table 5. For countries where the basis is 'unknown' in Table 1, it is assumed to be the import price. For Slovenia, the levy on smartphones, tablets and laptops depends on the wholesale price. For the calculations, this wholesale price is also assumed to be 50% of the unit price in Table 5.

Table 6 gives the annual levies due per person in these two hypothetical households for the countries in **Table 1** and **Table 2** combined. **Figure 1** presents the same information in graphical form.

Table 6: Levies due per person per year for two hypothetical households (EUR)

	Tech-savvy family	Elderly couple
Austria	2.55	1.12
Belgium	2.51	0.98
Bosnia and Herzegovina	0.96	0.49
Botswana	5.96	1.51
Croatia	0.99	0.40
Czech Republic	3.64	1.36
Denmark	4.70	1.90
Estonia	2.84	1.08
France	9.03	5.84
Germany	6.03	2.19
Greece	6.09	1.61
Hungary	5.98	2.77
Iceland	3.19	0.80
Italy	6.17	2.47
Kazakhstan	0.51	0.15
Latvia	2.23	0.65
Lithuania	3.91	1.53
Malawi	7.23	2.00
Moldova	0.90	0.25
Netherlands	2.94	1.34
Paraguay	0.74	0.20
Poland	0.05	0.02
Portugal	7.29	3.23
Romania	0.74	0.20
Russian Federation	1.50	0.42
Serbia	2.30	0.56
Slovak Republic	1.46	0.48
Slovenia	4.80	1.67
Spain	3.48	1.14
Sweden	5.29	2.10
Switzerland	5.47	6.91
Tanzania	4.49	1.14
Median	**3.19**	**1.14**

Figure 1: Levies due per person per year for two hypothetical households



For the tech-savvy family, levies per person per year range from 0.05 EUR in Poland, to 9.03 EUR in France. For the elderly couple, annual levies per person are highest in Switzerland at 6.91 EUR, followed by France at 5.84 EUR. The median values are 3.19 and 1.14 EUR respectively[7].

[7] Note that Switzerland is the only country in Table 4 and Figure 1 where the elderly couple pay more per person than the tech-savvy family. The reason for this is that in these hypothetical households, the monthly levies on the NPVR are shared between two instead of four persons.

5.2 REVENUE TRENDS

5.2.1 Total revenues

Revenue data for the years 2019 – 2024 was collected for a set of 32 countries in total. This set of countries is largely identical to the countries discussed in the previous section. **Table 8** provides the total levy revenues for in each of the countries for which data are available in this time span (in 1000 current EUR). The second column indicates for each country whether also reprography levies apply.

For all countries combined, total revenues reported increased slightly from EUR 1,044 M in 2019 to EUR 1,061 M in 2024. Total revenues were highest in 2022 at EUR 1,175 M. In nominal terms, Germany and France have by far the largest revenues from private copying levies. Over the years 2019 – 2024 combined, these two countries collected 50% of total revenues reported. The last line in **Table 8** shows that all EU-countries together are responsible for between 85 and 90% of revenues.

Table 8: Revenues from private copying and reprography levies in 1000 current EUR (2019-2024)

Country	Repro	2019	2020	2021	2022	2023	2024
Austria	Yes	26,146	27,532	26,926	26,083	24,408	24,993
Belgium	Yes	18,667	17,021	16,630	21,078	20,153	20,784
Bosnia and Herzegovina*	Yes	95	47	470	562	667	751
Canada	No	774	568	632	445	368	225
Croatia	Yes	180	159	153	122	989	1,067
Czech Republic**	Yes	5,185	4,932	5,859	5,628	5,624	5,584
Denmark	No	3,584	3,496	6,594	13,052	11,739	11,300
Estonia	No	1.0	0.6	898	1,874	1,556	1,543
Finland	No	11,000	11,000	11,000	11,000	11,000	11,000
France	Yes	272,826	295,583	295,674	305,083	220,344	246,348
Germany	Yes	294,303	292,123	308,797	274,608	236,142	235,517
Ghana	Yes	926	480	228	106	44	154
Greece	Yes	11,445	13,876	15,182	17,107	16,744	18,006
Hungary	Yes	30,096	21,774	21,724	18,983	19,874	23,903
Italy	No	123,900	126,700	147,700	148,600	124,100	117,700
Japan	No	212	168	126	91	71	55
Kazakhstan***	No	-	-	8	16	8	-
Latvia	Yes	555	553	1,262	1,582	1,606	1,502
Lithuania	Yes	5,543	5,183	5,958	4,830	5,689	5,355
Moldova	Yes	100	116	135	166	199	223
Netherlands	No	31,603	32,598	41,807	43,699	31,100	32,787
Norway	No	4,991	4,696	5,085	5,235	4,882	4,994
Paraguay	Yes	1,441	1,478	2,237	1,952	n/a	n/a
Poland	Yes	6,229	6,360	7,062	7,877	8,509	8,315
Portugal	Yes	24,393	26,986	33,572	35,034	31,992	39,783
Romania	Yes	278	275	310	6,572	7,931	8,860
Russian Federation	No	62,850	48,664	92,054	92,278	66,537	71,132
Serbia	Yes	163	134	212	232	935	2,407
Slovak republic	Yes	4,730	4,940	6,272	6,131	6,303	6,258
Slovenia	Yes	194	227	307	217	268	3,896
Spain	Yes	54,830	60,380	58,560	54,540	61,460	76,340
Switzerland****	No	47,213	49,681	60,543	69,893	74,946	80,019
TOTAL		**1,044,452**	**1,057,731**	**1,173,975**	**1,174,675**	**996,189**	**1,060,804**
Growth/decline		2%	1%	11%	0%	-15%	6%
EU/total		89%	90%	86%	85%	85%	85%

Notes: n/a' = no revenue figures available; '-' = no revenues. Levies for countries outside the euro-area converted to euro using average annual exchange rates retrieved from IMF/World Bank. * Bosnia and Herzegovina: figures for 2019 and 2020 concern text and image levies only. ** Czech Republic: Revenues for OSA only, no data collected for Intergram. *** Kazakhstan: no collection in 2019-2020 and 2022-2024. Revenues reported for 2022 and 2023 are residues from 2021. ****Revenues for Switzerland include those for Liechtenstein.
Reading example: In Austria, the total revenues from private copying and reprography levies were 26.1 M EUR in 2019.

Figure 2 shows the development of total revenues for these 32 countries between 2007 and 2024 graphically. The **red** line gives total revenues for all countries in the survey combined. It shows that total revenues have plateaued since 2017 and have slightly declined since 2022. The earlier peak in 2016 is related to lawsuits and settlements[8].

The chart shows two more developments:

- The **blue** line gives total revenues in EU countries. It illustrates that each year the EU is responsible for most revenues collected, but that the revenues in countries outside the EU (the distance between the two lines) has gradually increased.
- The **green** line expresses total revenues in 2024 euros. It shows that while total revenues have remained stable since 2017 in current euros, they have declined in real terms (adjusted for inflation). In real terms, total revenues in 2023-2024 are close to those in 2007-2010.

Figure 2: Total revenues for 32 countries in dataset and for all EU-countries in M EUR

[8] Beginning from the current Study, reporting on reprography levies has been explicitly included in the questionnaire. Not all countries report these revenues separately from private copying levies. From the data, it appears that some countries that have such levies already reported them in their total revenues for the years 2007-2018, while some others report them only from 2019 onwards. This induces a slight upward shift in total revenues from 2019 onwards, relative to the preceding years, estimated to be around €20 million. In addition to this, there are missing values for some countries in some years due to incomplete reporting. Both issues do not significantly affect the trend shown in Figure 2.

5.2.2 Revenues per capita

Table 9 shows the total revenues per capita for the years 2019 – 2024, calculated using annual population data retrieved from the World Bank. Revenues per capita in 2024 range from 0.01 EUR or less in Canada, Ghana and Japan, to 8.89 EUR in Switzerland.

The last four rows in **Table 9** give average revenues in the participating countries:

- The first of these gives the population-weighted average (mean) for each specific year. This ranges from 1.26 EUR in 2019 to 1.27 EUR in 2024, with a peak of 1.42 EUR in 2021-2022.
- The second gives the population-weighted average for the EU-countries in the dataset for each specific year. This declines slightly from 2.14 EUR in 2019 to 2.07 EUR in 2024.
- The third and fourth rows give the median revenues per capita per year, for the entire data set and for the EU countries in the set.

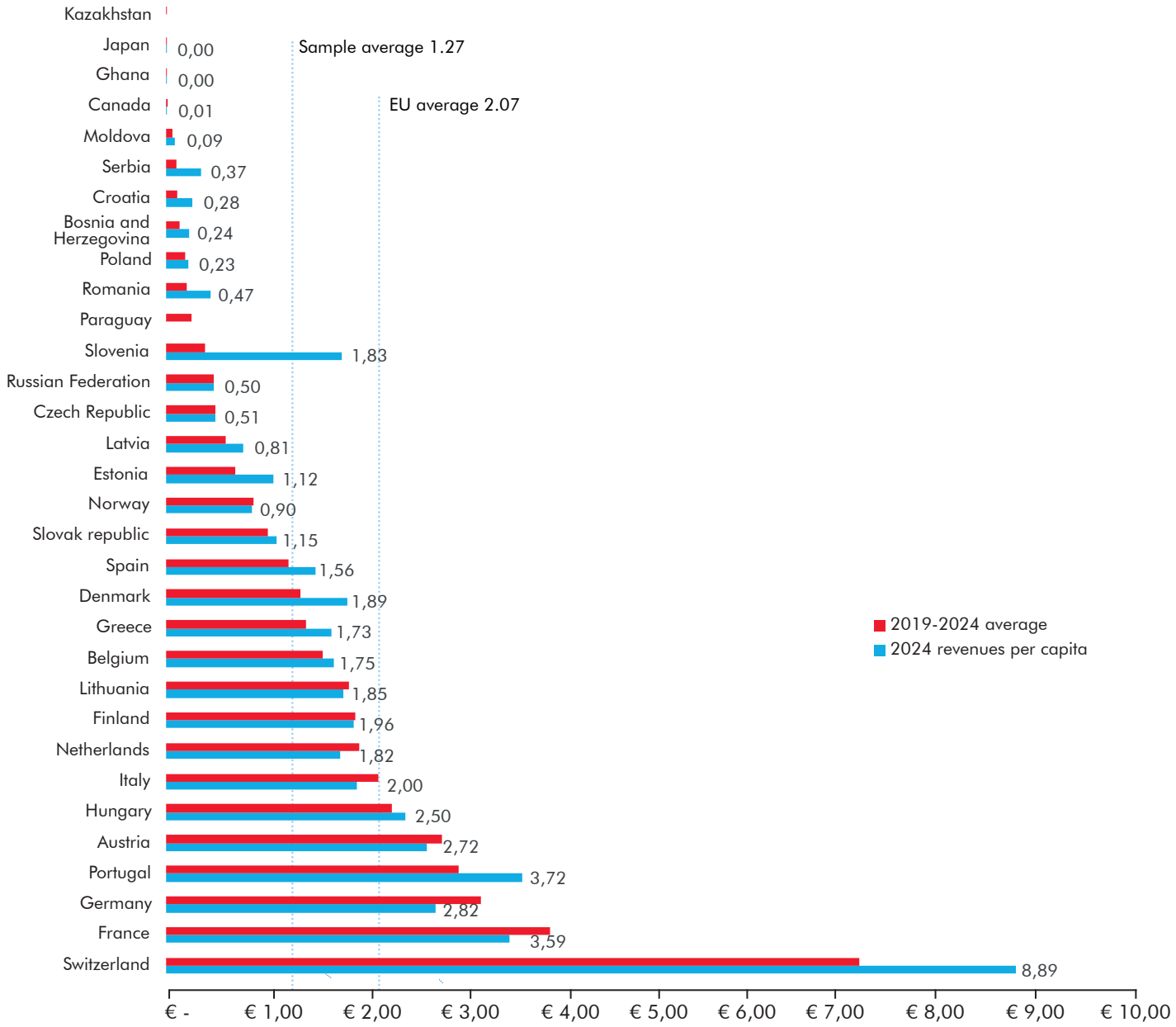
Table 9: Total revenues per capita in current euro (2019-2024)

Country	2019	2020	2021	2022	2023	2024
Austria	2.94	3.09	3.01	2.88	2.67	2.72
Belgium	1.62	1.48	1.44	1.80	1.71	1.75
Bosnia and Herzegovina*	0.03	0.01	0.14	0.18	0.21	0.24
Canada	0.02	0.01	0.02	0.01	0.01	0.01
Croatia	0.05	0.04	0.04	0.03	0.26	0.28
Czech Republic**	0.49	0.46	0.56	0.53	0.52	0.51
Denmark	0.62	0.60	1.13	2.21	1.97	1.89
Estonia	0.00	0.00	0.67	1.39	1.14	1.12
Finland	1.99	1.99	1.99	1.98	1.97	1.96
France	4.05	4.37	4.36	4.47	3.22	3.59
Germany	3.54	3.51	3.71	3.30	2.84	2.82
Ghana	0.03	0.02	0.01	0.00	0.00	0.00
Greece	1.07	1.30	1.44	1.64	1.61	1.73
Hungary	3.10	2.25	2.26	1.98	2.07	2.50
Italy	2.07	2.13	2.50	2.52	2.10	2.00
Japan	0.00	0.00	0.00	0.00	0.00	0.00
Kazakhstan***	-	-	0.00	0.00	0.00	-
Latvia	0.29	0.29	0.67	0.84	0.85	0.81
Lithuania	1.97	1.84	2.12	1.71	1.98	1.85
Moldova	0.04	0.04	0.05	0.07	0.08	0.09
Netherlands	1.82	1.87	2.38	2.47	1.74	1.82
Norway	0.93	0.87	0.94	0.96	0.88	0.90
Paraguay	0.22	0.22	0.33	0.29	n/a	n/a
Poland	0.16	0.17	0.19	0.21	0.23	0.23
Portugal	2.37	2.62	3.24	3.36	3.02	3.72
Romania	0.01	0.01	0.02	0.35	0.42	0.47
Russian Federation	0.43	0.34	0.64	0.64	0.46	0.50
Serbia	0.02	0.02	0.03	0.03	0.14	0.37
Slovak republic	0.87	0.90	1.15	1.13	1.16	1.15
Slovenia	0.09	0.11	0.15	0.10	0.13	1.83
Spain	1.16	1.27	1.23	1.14	1.27	1.56
Switzerland****	5.51	5.75	6.96	7.96	8.43	8.89
Average	1.26	1.28	1.42	1.42	1.20	1.27
Average EU	2.14	2.20	2.34	2.32	1.95	2.07
Median	0.55	0.53	0.81	1.04	1.14	1.15
Median EU	1.16	1.30	1.44	1.71	1.71	1.82

Notes: 'n/a' = no revenue figures available; '-' = no revenues. Levies for countries outside the euro-area converted to euro using average annual exchange rates retrieved from IMF/World Bank.* Bosnia and Herzegovina: figures for 2019 and 2020 concern text and image levies only.** Czech Republic: Revenues for OSA only, no data for Intergram.*** Kazakhstan: no collection in 2019-2020 and 2022-2024. Revenues reported for 2022 and 2023 are residues from 2021.****Revenues for Switzerland include those for Liechtenstein. Reading example: In Austria, revenues per capita from private copying and reprography levies were 2.94 EUR in 2019.

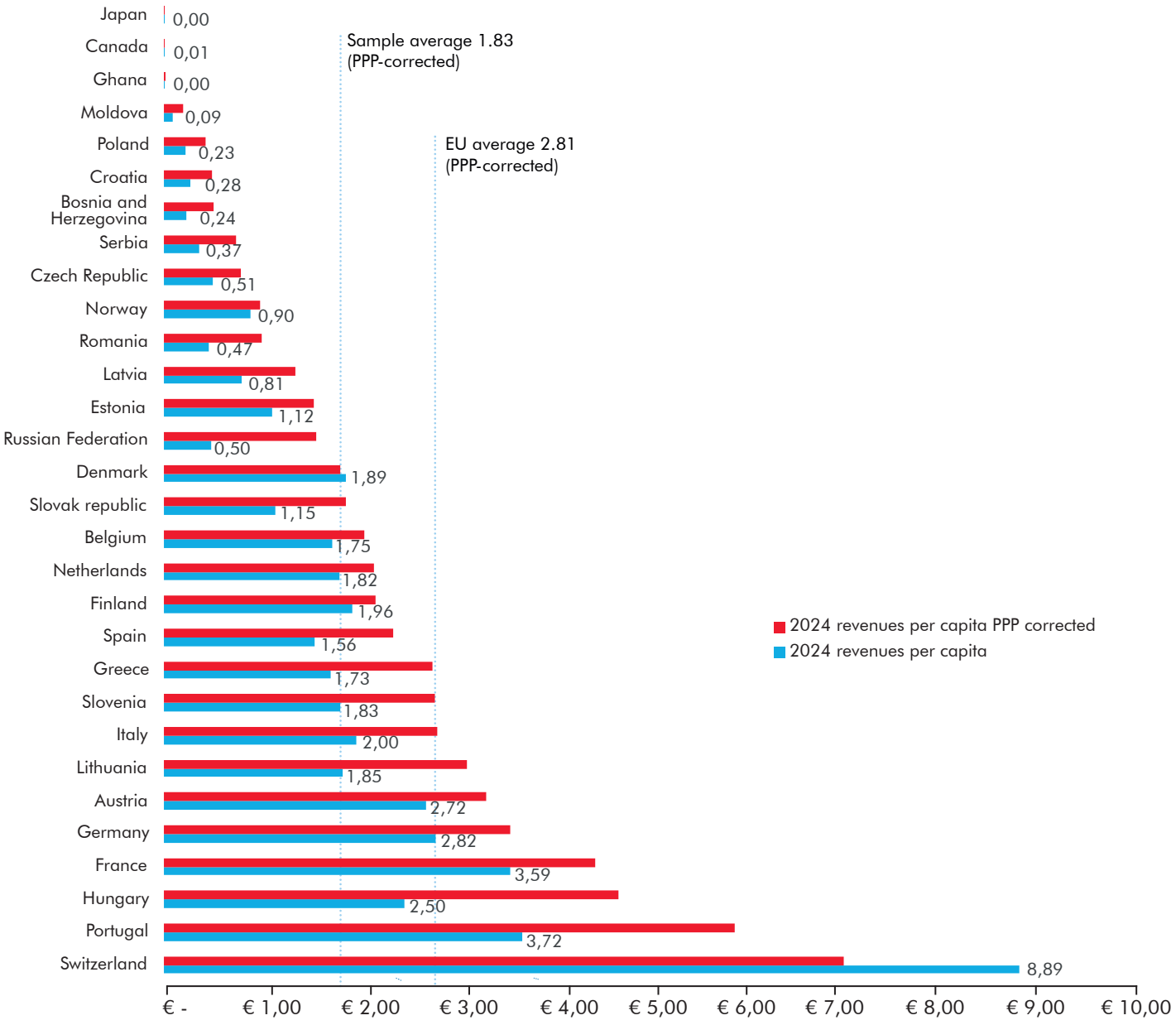
Figure 3 illustrates the revenues per capita for the countries in this survey graphically. The **red** bars in the graph (without numbers in EUR) depict for each country the average revenues for the period 2019-2024, sorted by value. The **blue** bars and the numbers in EUR present the revenues per capita for each country in the study for the year 2024. These values correspond to the rightmost column in **Table 9**. Dashed lines give the (population-weighted) sample average (1.27 EUR) and the EU average (2.07 EUR) for 2024.

Figure 3: Revenues per capita in 2024 and 2019-2024 average (in EUR)



In **Figure 4**, the revenues per capita have been corrected for differences in purchasing power, analogous to the PPP-correction in **Table 3**. In this graph, the blue bars represent the 2024 revenues per capita (identical to the blue bars in **Figure 3**), while the red bars represent the PPP-corrected values. The countries have been sorted based on the latter. It shows that corrected for purchasing power, Switzerland has the highest revenues per capita, followed by Portugal, Hungary and France. The dashed vertical lines indicate the PPP-corrected sample average and EU-average and can be interpreted in comparison to the red bars.

Figure 4: Revenues per capita in 2024, corrected for differences in purchasing power



INTRODUCTION AFRICA

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Since the 2020 edition of the Global Study, the private copying remuneration landscape in Africa has continued to evolve, with the past five years marked by notable progress, increased political awareness, and clearer momentum toward more harmonised implementation. Several countries have strengthened existing frameworks and advanced long-delayed reforms, reflecting a maturing understanding of the role of private copying in the advancement of African authors and creators.

In 2025, the countries operating fully functional systems include Algeria, Botswana, Burkina Faso, Cabo Verde, Cameroon, Côte d'Ivoire, Ghana, Kenya, Malawi, Morocco, Nigeria, Tanzania and Tunisia. This grouping has expanded since 2020, reflecting gradual consolidation and the impact of recent legislative reforms. Notably, Nigeria and Tanzania joined this category following statutory changes that strengthened and activated their private copying remuneration frameworks. Legislative and regulatory amendments in Morocco and Ghana are also expected to further reinforce implementation in the coming years.

A substantial number of countries - largely consistent with the 2020 mapping - continue to provide for remuneration in their legislation without operational systems in place. This group comprises Angola, Benin, Burundi, Chad, Djibouti, Gabon, Guinea, Madagascar, Mali, Mauritius, Mauritania, Mozambique, Niger, the Democratic Republic of the Congo and Senegal. Within this category, Guinea and Mauritania have entered following legislative upgrades, and Senegal has advanced implementing decrees aimed at activating its existing framework.

The largest group continues to consist of countries that recognise a private copying exception but do not provide for remuneration. This category includes the Central African Republic, Comoros, Congo, Egypt, Eritrea, Ethiopia, The Gambia, Lesotho, Libya, Namibia, Rwanda, Seychelles, Sierra Leone, South Africa, South Sudan, Uganda and Zimbabwe, as well as São Tomé and Príncipe, which has regressed from a previously remunerated framework. Several countries—Equatorial Guinea, Guinea-Bissau and Liberia—have moved into this group after introducing private copying exceptions without establishing remuneration mechanisms. A small number of countries—Somalia, Zambia and Sudan—still lack an explicit private copying exception, with Sudan representing a clear legal regression; however, Zambia has recently tabled a bill that would introduce a private copying remuneration system, signalling potential progress.

At the regional level, two major policy developments have shaped the African private copying environment since 2020. The adoption of the **ARIPO Regional Strategy on Private Copying** (2025) represents a significant milestone, providing a series of recommendations for Member States to consider when reviewing or establishing their national frameworks, including guidance on legislative design, enforcement practices and cooperation with customs authorities.

In parallel, the **UEMOA regional directive** (Directive No. 07/2023/CM/UEMOA) has now entered its implementation period, marking a positive and concrete step toward greater harmonisation across West Africa. To support this directive, The UEMOA Guide and Toolkit on private copying remuneration was also published by WIPO in 2025, providing a practical roadmap for implementation, including national task forces, stakeholder consultations, concordance tables, and drafting techniques, while emphasizing the technical complexity of private copying mechanisms and the need for coordinated governance.

More recently, at its 39th Ordinary Session held in Addis Ababa, Ethiopia (February 2026), the Assembly of the African Union adopted the Annexes to the Protocol on Intellectual Property Rights, including the Copyright Annex, which under Article 26 introduces a regional obligation for State Parties to provide for private copying levies in the context of private reproduction for personal use.

Taken together, these regional and international initiatives signal a strengthening policy commitment to private copying remuneration in Africa in the years ahead, and create favourable conditions for broader and more coherent adoption of private copying systems across the continent.

While private copying systems in Africa continue to face structural and operational challenges, the past five years have demonstrated clear and measurable progress. Given recent initiatives, such systems are now better positioned than ever to continue to harmonise and improve.

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AFRICA
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- SOMALIA
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AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

CENTRAL AFRICAN REPUBLIC

5.331 M **GDP: EUR 2.62 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Central African Republic
CURRENCY	XAF

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Art. 11-18 of Ordinance No. 85.002 on Copyright (of 5 January 1985)

Chapter II - Permanent limitation

Article 11 - Where the work has been lawfully made available to the public, the author may not prohibit:

1. Communications such as representation, performance, radio broadcasting, television broadcasting:
If they are private or carried out exclusively within a family circle and do not give rise to any form of revenue;

(...)

2. Reproductions, translations and adaptations intended for strictly private use, provided that the title of the work and the name of the author or his successors in title, or the Central African Copyright Office, are indicated. `

Article 18 - The use of works under the conditions provided for in this chapter shall not give rise to any remuneration for the authors and their beneficiaries.

(...)

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

COMOROS

0.89 M **GDP: EUR 1.35 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Comoros
CURRENCY	KMF

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Art. 41 of the Law on Literary and Artistic Property, 11 March 1957

When the work has been disclosed, the author may not prohibit:

(...)

2 - Copies or reproductions strictly reserved for the private use of the copyist and not intended for collective use, with the exception of copies of works of art to be used for the same purpose for which the original work was created.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

CONGO

6.309 M **GDP: EUR 13.77 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Congo
CURRENCY	XAF
NAME ORGANISATION	BCDA
WEB SITE	www.bcda-congo.org

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Art. 33 and 98 of Law No. 24/82 of July 7, 1982 on Copyright and Neighbouring Rights

Article 33. Notwithstanding Article 28, the following uses of a protected work, either in the original language or in translation, shall be permissible without the author's consent: 1. In the case of a work that has been lawfully published: (a) the reproduction, translation, adaptation, arrangement or any other transformation of such work exclusively for the user's own personal and private use; Article 98. However, licenses shall be issued by the Ministry responsible for culture for the reproduction of copies of phonograms where such reproduction is for the sole purpose of teaching or of scientific research, is made and distributed on the territory of the Congo, excluding any exportation of copies, and implies for the producer of the phonograms an equitable remuneration laid down by the Ministry, taking into account, in particular, the number of copies to be made and distributed.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

EGYPT

107.304 M **GDP: EUR 354.11 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Egypt
CURRENCY	EGP
NAME ORGANISATION	SACERAU
E-MAIL	sacerau@idsc.net.eg

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Art. 171 of Law n. 82 of 2002 on the Protection of Intellectual Property Rights

Without prejudice to the moral rights of the author under this Law, the author may not, after the publication of the work, prevent third parties from carrying out any of the following acts:

(…)

(2) Make a single copy of the work for one's exclusive personal use, provided that such a copy shall not hamper the normal exploitation of the work nor cause undue prejudice to the legitimate interests of the author or copyright holders;

However, the author or his successor may, after the publication of the work, prevent third parties from carrying out any of the following acts without his authorization:

- Reproduction or copying works of fine, applied or plastic arts, unless they were displayed in a public place, or works of architecture;
- Reproduction or copying of all or a substantial part of the notes of a musical work;
- Reproduction or copying of all or a substantial part of a database or computer program.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

ERITREA

3.497 M **GDP: EUR 1.8 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Eritrea
CURRENCY	ERN

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Civil Code of the State of Eritrea, 2025

Art. 1171. - Limitation of the Exclusive Right of Reproduction.

(1) The author cannot forbid analyses and press reviews of his work.
(2) Copies or reproductions of the work made in a single copy shall be permitted where they are intended for private use only.
(3) In the interest of school and university education and for scientific purposes, the right of reproduction will be subject to the limitations as set forth by a special law.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

ESWATINI

1.176 M **GDP: EUR 4.81 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Eswatini
CURRENCY	SZL
NAME ORGANISATION	ESWACOS
E-MAIL	info@eswacos.org.sz

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Section 31 of the Copyright and Neighbouring Rights Act, 2018

(1) Subject to this section, the copyright in (a) a sound recording or a musical work embodied in a sound recording ; or (b) a sound broadcast or any work embodied in such a broadcast; Shall not be infringed by the sound recording, musical work or broadcast being recorded by a person for the private use of himself and members of his family.

(2) Any recording, made in terms of subsection (1) shall be used for the purpose for which it was made and in particular, shall not- (a) be distributed, whether by way of business or otherwise, to any person outside the family of the person who made it; or (b) be performed in public.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

ETHIOPIA

108.414 M **GDP: EUR 132.29 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Ethiopia
CURRENCY	ETB
NAME ORGANISATION	CNRCMSE

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Copyright and Neighbouring Rights Protection Proclamation No. 410/2004

9. Reproduction for Personal Purposes:

1 - Notwithstanding the provisions of Article 7 (IX a) of this Proclamation, the owner of copyright cannot forbid private reproduction, of a published work in a single copy by a physical person exclusively for his own personal purposes.

2 - The provisions of Sub-Article (I) of this Article shall not extend to reproduction:

a) of a work of architecture in the form of a building or other construction.
b) of musical work in the form of notation; or of the original or a copy made and signed by the author of a work of fine art.
c) of the whole or a substantial part of a database in digital form;
d) of a computer program except as provided in Article 14 of this Proclamation; or
e) which would conflict with or unreasonable harm the normal exploitation of the work or the legitimate interest of the author.

17. Issuance of non-voluntary license:

1 - The Office may grant, notwithstanding the copyright, heirs or legatees owners' opposition, a license to authorize the reproduction or translation or broadcasting of a published work.

2 - The conditions, forms of such authorization and in particular the fair compensation to be made to the owner of copyright shall be determined by the regulations.

3 - In no circumstances may the Office authorize the alteration of a work.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

GAMBIA

2.724 M **GDP: EUR 2.36 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Gambia
CURRENCY	GMD

OVERVIEW

EXCEPTION	Yes
LEVY	No, but the Secretary of State may make respective regulations for a levy on technical devices used for copyright materials, **Art. 89 (b) Copyright Act 2004**.

LEGAL BASIS

EXCEPTION

Art. 27 of the Copyright Act, 2004

(1) Notwithstanding the provisions of section 9 (1)(a) and subject to the provisions of subsection (2), the private reproduction of a published work in a single copy is permitted without the authorisation of the author or other owner of copyright, where the reproduction is mac by an individual exclusively for his or her own person. purposes.

(2) The permission under subsection (1) does not extend to reproduction

(a) of a work of architecture in the form of building or any other construction;

(b) in the form of reprography of the whole or of a substantial part of a book or of a musical work in the form of notation.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

GUINEA-BISSAU

1.978 M **GDP: EUR 2.02 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Guinea-Bissau
CURRENCY	XOF

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Decree No. 679/71 Extending Decree-Law No. 46 980 approving the Copyright Code to cover the Overseas Territories.

Article 63

In accordance with established use, the reproduction of extracts of works which have not yet fallen into the public domain by public entities, libraries, archives and scientific institutions, for their own use or for the private use of those requesting them shall be permitted. The users must, however, be expressly warned that these reproductions may not be used commercially without the consent of the authors.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

LESOTHO

2.164 M **GDP: EUR 2.13 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Lesotho
CURRENCY	LSL

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Art. 9 of Copyright Order 1989 (order no.13 of 1989)

Free use

9. Notwithstanding section 7, the following uses of a protected work, either in the original language or in translation, shall be permissible without the author's consent and without the obligation to pay remuneration for the use of the work,

(a) in the case of any work that has been made whether or not that work has been lawfully published,

(i) the reproduction, translation, adaptation, arrangement or other transformation of such work exclusively for the user's personal and private use;

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

LIBERIA

5.561 M **GDP: EUR 4.45 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Liberia
CURRENCY	LDR

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Liberia Intellectual Property Act, 2016

§ 9.10. Private Reproduction for Personal Purposes

a) Subject to the provisions of subsection (b), the private reproduction of a published work in a single copy shall be permitted without the authorization of the author or owner of copyright, where the reproduction is made by a natural person exclusively for his own personal purposes.

b) The permission under subsection (a) shall not extend to reproduction:

i. of a work of architecture in the form of building or other construction.
ii. of the whole or of a substantial part of a database in digital form;

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

LIBYA

6.913 M **GDP: EUR 38.97 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Libya
CURRENCY	LYD

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Law No. 9 of 1968 Issuing the Copyright Protection Law

Article (12) The author may not prevent a person making one copy of a published work for his own use.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

NAMIBIA

2.99 M **GDP: EUR 12.36 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Namibia
CURRENCY	NAD
NAME ORGANISATION	CMRR
E-MAIL	cmrr_contact@gmail.com

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Copyright and Neighbouring Rights Protection Act, 1994 (Act No. 6 of 1994)-(Amended by Act No. 8 of 2016)

Art. 15. General exceptions regarding protection of literary and musical works.

(1) Copyright shall not be infringed by a fair dealing in the use of a literary or musical work -

(a) for the purpose of research or private study by, or the personal or private use of, the person using the work;

Permitted free uses of a work

Art. 16. General exceptions in respect of reproduction of works.

In addition to reproductions permitted in terms of this Act reproduction of a work shall also be permitted in such circumstances as are prescribed, but in such a manner that the reproduction is not in conflict with a normal exploitation of the work and is not unreasonably prejudicial to the legitimate interests of the owner of the copyright.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

RWANDA

13.857 M **GDP: EUR 13.17 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Rwanda
CURRENCY	RWF
NAME ORGANISATION	Rwanda Society of Authors

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Law n° 055/2024 of 20/06/2024 on the Protection of Intellectual Property

Article 291: Private reproduction of a work for personal purposes

(1) The private reproduction of a published work by a natural person in a single copy is permitted without the authorization of the author and without the obligation of payment of royalties.

(2) However, the provisions of Paragraph (1) of this Article does not extend to the reproduction of: (a) a work of architecture in the form of building or similar construction; (b) the form of reprography of the whole or of a substantial part of a book or of a musical work in the form of notation; (c) the whole or of a substantial part of a database in digital form; (d) a computer program.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

SÃO TOMÉ & PRÍNCIPE

0.237 M **GDP: EUR 0.74 Bn**

1/1

CONTACT INFORMATION

COUNTRY	São Tomé and Príncipe
CURRENCY	STN

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Copyright and Related Rights Code (approved by Decree-Law No. 02/2017)

ARTICLE 75:

… 2. The following uses of a work without the consent of the author shall be lawful: a) The reproduction for exclusively private purposes on paper or any similar medium, using any kind of photographic technique or process with similar results, with the exception of musical scores as well as the reproduction on any medium made by a natural person for private use and without any direct or indirect commercial purpose;…

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

SEYCHELLES

0.101 M **GDP: EUR 2 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Seychelles
CURRENCY	SCR

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Copyright Act, 2014 (Act No. 5 of 2014)

9 (1) Subject to the provisions of subsection (2), the private reproduction of a published work in a single copy shall be permitted without the authorization of the author or other owner of copyright, where the reproduction is made by a natural person exclusively for his or her own personal purposes.

(2) The provisions of subsection (1) shall not extend to reproduction (a) of a work of architecture in the form of building or other construction; (b) in the form of reprography of the whole or of a substantial part of a book or of a musical work in the form of notation; (c) of the whole or of a substantial part of a database in digital form; (d) of a computer program, except as provided in section 15; (e) and of any work in cases where reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or other owner of the copyright.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

SIERRA LEONE

8.972 M **GDP: EUR 7.07 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Sierra Leone
CURRENCY	SLE

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

The Copyright Act, 2011 (No.8/2011)

Part IV

Art.27 (1) Notwithstanding paragraph (a) of subsection (1) of section 10 and subject to subsection (2), the private reproduction of a published work in a single copy is permitted without the authorisation of the author or the other owner of the copyright, where the reproduction is made by an individual exclusively for his own personal purposes.

(2) the permission under subsection (1) does not extend to reproduction:

(a) of a work of architecture in the form of building or any other construction;
(b) in the form of reprography of a whole or of a substantial part of a book or of a musical work in the form of notations;
(c) of the whole or of substantial part of a database in the digital form;
(d) of a computer programme, except as provision in section 28; and
(e) of any work in cases where reproduction would conflict with the normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or the owner of the copyright.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

SOUTH AFRICA

63.202 M **GDP: EUR 369.9 Bn**

1/1

CONTACT INFORMATION

COUNTRY	South Africa
CURRENCY	ZAR
NAME ORGANISATION	DALRO
WEB SITE	www.dalro.co.za

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Copyright Act, 1978 (Act No. 98 of 1978, amended up to Act No. 9 of 2002)

Article 12: General exceptions from protection of literary and musical works (1) Copyright shall not be infringed by any fair dealing with a literary or musical work- (a) for the purposes of research or private study by, or the personal or private use of, the person using the work;

(9) The provisions of subsections (1) to (7) inclusive shall apply also with reference to the making or use of an adaptation of a work.

(11) The provisions of subsections (1) to (4) inclusive and (6), (7) and (10) shall be construed as embracing the right to use the work in question either in its original language or in a different language, and the right of translation of the author shall, in the latter event, be deemed not to have been infringed.

LEGAL DEVELOPMENTS

The Copyright Amendment Bill (CAB) in South Africa remains pending, having been referred to the Constitutional Court for review due to constitutional concerns, delaying its enactment despite being one of 20 bills awaiting presidential assent. Originating from a legislative process initiated in 2015 to update the Copyright Act of 1978, the CAB introduces major reforms including fair use, enhanced regulation of collecting societies, and provisions aligned with the Marrakesh Treaty. The Constitutional Court's review will focus on its compatibility with Section 25 (property rights), Section 16 (freedom of expression), and South Africa's obligations under TRIPS and the Berne Convention, which must be resolved before presidential assent and promulgation can occur.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

SOUTH SUDAN

15.448 M **GDP: EUR 5.01 Bn**

1/1

CONTACT INFORMATION

COUNTRY	South Sudan
CURRENCY	SSP

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Copyright and Neighbouring Rights Protection Act 1996

Article 14 (4): It shall be allowed to reproduce, translate or adapt a published work for personal and private use but this shall not apply to computer programs, data banks and scores of a musical work.

LEGAL DEVELOPMENTS

According to Article 23 of the Investment Promotion Act of 2009 of South Sudan- Protection of Intellectual Property Rights: The Government shall protect the intellectual property rights of all persons and investors in Southern Sudan and shall enforce rights to trademarks, copyrights, patents and other intellectual property rights in accordance with any related international conventions to which the Republic of the Sudan is a signatory.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

TOGO

9.29 M **GDP: EUR 9.04 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Togo
CURRENCY	XOF
NAME ORGANISATION	BUTODRA
WEB SITE	www.butodra.tg

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Law No. 91-12 of June 10, 1991, on the Protection of Copyright, Folklore and Related Rights

SECTION V: GENERAL LIMITATIONS TO COPYRIGHT

Art 20 – When the work has been lawfully made accessible to the public, the author may not prevent it from being used as follows:

1 – communication such as performance or broadcast:

(a) if these are private, carried out exclusively within the family circle, and give rise to no form of revenue:

(b) if these are carried out free of charge and for strictly educational or teaching purposes or during a religious service in premises reserved for that end;

2 – reproduction, translations and adaptations, designed for strictly personal and private use;

3 – parody, pastiche and caricature, taking account of the laws of the genre.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

UGANDA

46.623 M **GDP: EUR 52.18 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Uganda	
CURRENCY	UGX	
NAME ORGANISATION	UPRS	URRO
WEB SITE	www.uprs.go.ug	www.urro.ug

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

The Copyright and Neighbouring Rights Act, 2006 (Act No. 19 of 2006)

15. Fair use of works protected by copyright

(1) The fair use of a protected work in its original language or in a translation shall not be an infringement of the right of the author and shall not require the consent of the owner of the copyright where— (a) the production, translation, adaptation, arrangement or other transformation of the work is for private personal use only;

LEGAL DEVELOPMENTS

Uganda's Parliament is currently reviewing the Copyright and Neighbouring Rights Amendment Bill 2025, which was presented in June 2025. It has now been referred to the Legal and Parliamentary Affairs Committee. No provision on private copy remuneration is in the Bill.

AFRICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

ZIMBABWE

16.993 M **GDP: EUR 32.56 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Zimbabwe	
CURRENCY	ZWL	
NAME ORGANISATION	ZIMURA	URRO
WEB SITE	http://www.zimura.co.zw	www.facebook.com/people/Reprographic-Rights-Organisation-of-Zimbabwe-RROZ-/61569335331599/#

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Copyright and Neighbouring Rights Act
Chapter 26:05, amended up to Act No. 32 of 2004

PART III PERMITTED ACTS IN RELATION TO COPYRIGHT WORKS

42. Private recording of musical works and sound broadcasts (1) Subject to this section, the copyright in(a) a sound recording or a musical work embodied in a sound recording; or (b) a sound broadcast or any work embodied in such a broadcast; shall not be infringed by the sound recording, musical work or broadcast being recorded by a person for the private use of himself and members of his family. (2} Any recording made in terms of subsection (1) shall be used only for the purpose for which it was made and, in particular, shall not - (a) be distributed, whether by way of business or otherwise, to any person outside the family of the person who made it; or (b} be performed in public.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

ANGOLA

37.968 M **GDP: EUR 107.17 Bn**

CONTACT INFORMATION

COUNTRY	Angola
CURRENCY	AOA
NAME ORGANIZATION	UNAC-SA
WEB SITE	https://www.unacsa.ao

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	UNAC-SA
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: No
TARIFFS	No
BENEFICIARIES	Authors, performing artists, publishers, phonogram and videogram producers
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Producers, importers and vendors ☑ Payment ☒ Disclosure - must provide information on the type and quantity of levied products placed on the market on request ☒ Reporting - must report the type and quantity of imported items ☒ Auditing
EXEMPTION	No
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

The specific regime and the amount of compensation, collection and allocation shall be regulated in a special Decree.

REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

COLLECTION PROCESS

The specific regime and the amount of compensation, collection and allocation shall be regulated in a special Decree.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

ANGOLA

2/3

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

CMOs authorised by the Ministry of Culture

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, performers, publishers, phonogram/videogram producers, composers

SOCIAL AND CULTURAL FUNDS

No social or cultural deduction

LEGAL BASIS

EXCEPTION AND LEVY

Lei n.° 15/14 de 31 de julho de 2014, dos Direitos de Autor e Conexos

Article 79 – Right of compensation for private copying

1. As a means of guaranteeing compensation for the use of intellectual creations by the public in general, whether directly or indirectly, conditions are created for the inclusion in the retail price of any devices, whatever their nature, provided that they may serve as means of fixation and reproduction of works, of a financial compensation, with the purpose of protecting all authors, whether they are performing artists or performers, publishers, phonogram or videogram producers.

2. The specific regime and the amount of compensation, collection and allocation shall be regulated in a special Decree.

LEVY ONLY

Lei n.° 15/14 de 31 de julho de 2014, dos Direitos de Autor e Conexos

Article 79 – Right of compensation for private copying

1. As a means of guaranteeing compensation for the use of intellectual creations by the public in general, whether directly or indirectly, conditions are created for the inclusion in the retail price of any devices, whatever their nature, provided that they may serve as means of fixation and reproduction of works, of a financial compensation, with the purpose of protecting all authors, whether they are performing artists or performers, publishers, phonogram or videogram producers.

2. The specific regime and the amount of compensation, collection and allocation shall be regulated in a special Decree.

COLLECTION AND DISTRIBUTION SYSTEMS

Article 78 – Collection and distribution of copyright and related rights

1. For the use of intellectual and artistic-cultural works, remuneration is due to authors, to be fixed in a specific Decree.

2. Holders of copyright have the duty to pay to holders of related rights an amount not less than 20% of the total revenue obtained, unless otherwise agreed between the parties.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

ANGOLA

3/3

LEGAL BASIS

ORGANISATIONS

Article 77

4. The organization and functioning of collective management entities for Copyright and Related Rights and the functioning of the mechanism for collecting and distributing Copyright and Related Rights are regulated in a separate Decree.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

BENIN

14.099 M **GDP: EUR 19.64 Bn**

CONTACT INFORMATION

COUNTRY	Benin
CURRENCY	XOF
NAME ORGANIZATION	BUBEDRA
WEB SITE	http://www.bubedra.org/
E-MAIL	bubedra@gouv.bj

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	BUBEDRA
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: Yes
TARIFFS	No
BENEFICIARIES	Manufacturers and importers of physical media used for reproduction
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Manufacturers and importers of physical media used for reproduction. Public schools, teaching establishments, research institutions, public libraries or establishments that make such apparatuses available against payment, the author shall also be entitled to remuneration. ☑ Payment ☒ Disclosure - must provide information on the type and quantity of levied products placed on the market on request ☒ Reporting - must report the type and quantity of imported items ☒ Auditing
EXEMPTION	Export and media not usable for reproduction are exempt.
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

The procedures for collection and the amounts of such remuneration shall be laid down in regulations.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

BENIN

2/4

REFURBISHED DEVICES

Refurbished devices are not subject to levy.

EXEMPTION AND REFUND

Media are exempt in case of export. Physical media "that cannot be used normally for reproduction of works intended for private purposes" are exempt from levies. There are no refunds or reimbursements.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?
By BUBEDRA

HOW DO YOU MONITOR THE MARKET?
Ongoing monitoring by BUBEDRA (Art. 122)

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS
Authorities assist BUBEDRA in enforcement (Art. 121)

ARE EXPORTS EXEMPTED?
Yes

DISTRIBUTION PROCESS

WHICH RIGHTSHOLDERS ARE INCLUDED?
Authors, performers, phonogram producers

SOCIAL AND CULTURAL FUNDS

There are no social or cultural deductions.

LEGAL BASIS

EXCEPTION AND LEVY

General Scheme:

Law No. 2005-30 of April 5, 2006 relating to Copyright and Related Rights of Republic of Benin

ARTICLE 14

Where a work has been lawfully published, the author may not prohibit reproductions, translations or adaptations thereof intended for strictly personal and private use. The preceding paragraph shall not apply to: - the reproduction of works of architecture in the form of buildings or other similar constructions; - the reprographic reproduction of an entire book or of a musical work in graphical form (scores); - the reproduction of the whole or of significant parts of databases in digital form; - the reproduction of computer programs, except in the cases provided for in Article 20 of the present Law; - any other reproduction of a work that would prejudice the normal exploitation of the work or would cause any prejudice to the legitimate interests of the author.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

BENIN

3/4

LEGAL BASIS

EXCEPTION AND LEVY

ARTICLE 74
The authors of literary and artistic works, performers in respect of their performances fixed in phonograms, and phonogram producers shall be entitled to remuneration for the reproduction of such works, performances and phonograms intended for strictly personal and private use and made in accordance with the provisions of Articles 14 and 69 of the present Law.

ARTICLE 75
Equitable remuneration for reproduction intended for private purposes in the cases provided for in Article 74 above shall be paid by the manufacturers and importers of physical media used for such reproduction; it shall be collected and distributed by the collective management organization provided for in the present Law.

ARTICLE 76
The procedures for collection and the amounts of such remuneration shall be laid down in regulations.

ARTICLE 77
The equitable remuneration payable to authors, performers and producers of phonograms under Articles 74 and 75 of the present Law shall be distributed among these three categories of entitled persons.

ARTICLE 78
The physical media referred to in Article 75 of the present Law shall be exempt from payment of equitable remuneration where they are exported or where they cannot be used normally for the reproduction of works intended for private purposes.

Reprographic Devices:

ARTICLE 79
Where the reproduction referred to in Article 74 of the present Law is effected by photocopying and where apparatuses intended for making such copies are made available to the public in schools, teaching establishments, research institutions, public libraries or establishments that make such apparatuses available against payment, the author shall also be entitled to remuneration, which shall be paid to the collective management organization by the user of the apparatus.

LEVY ONLY

General Scheme:

ARTICLE 74
The authors of literary and artistic works, performers in respect of their performances fixed in phonograms, and phonogram producers shall be entitled to remuneration for the reproduction of such works, performances and phonograms intended for strictly personal and private use and made in accordance with the provisions of Articles 14 and 69 of the present Law.

ARTICLE 78
The physical media referred to in Article 75 of the present Law shall be exempt from payment of equitable remuneration where they are exported or where they cannot be used normally for the reproduction of works intended for private purposes.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

BENIN

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

General Scheme:

ARTICLE 75-77 OF LAW N.2005-30 OF 2006

ARTICLE 75

Equitable remuneration for reproduction intended for private purposes in the cases provided for in Article 74 above shall be paid by the manufacturers and importers of physical media used for such reproduction; it shall be collected and distributed by the collective management organization provided for in the present Law.

ARTICLE 76

The procedures for collection and the amounts of such remuneration shall be laid down in regulations.

ARTICLE 77

The equitable remuneration payable to authors, performers and producers of phonograms under Articles 74 and 75 of the present Law shall be distributed among these three categories of entitled persons.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

BURUNDI

13.365 M GDP: EUR 4.38 Bn

1/3

CONTACT INFORMATION

COUNTRY	Burundi
CURRENCY	BIF

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	N/A
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: No
TARIFFS	Despite the laws containing provisions in respect to the collection and distribution of private copying remuneration, no information has been gathered regarding any agreement of the implementing regulations referring to above.
BENEFICIARIES	Authors, performers, phonogram producers
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Producers, importers ☑ Payment ☒ Disclosure - must provide information on the type and quantity of levied products placed on the market on request ☒ Reporting - must report the type and quantity of imported items ☒ Auditing
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

Levies are determined either by (i) negotiation and agreement between the CMO and producers/importers, or (ii) by the Ministry in charge of culture if no agreement is possible.

REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

EXEMPTION AND REFUND

Products not used for copying sound recordings or audiovisual works are outside the levy system. Devices/media used exclusively for copying books, databases, or software are effectively exempt because such copying is not permitted.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

BURUNDI

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COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

By the CMO from producers/importers

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

A CMO

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Via an agreement between the CMO and the Importers/Manufacturers - In absence of such agreement the amount of the equitable remuneration and the conditions of its payment shall be established by the Ministry in charge of culture.

HOW DO RIGHTSHOLDERS CLAIM THEIR DISTRIBUTION?

Via the CMO

SOCIAL AND CULTURAL FUNDS

No social or cultural deductions

LEGAL BASIS

EXCEPTION AND LEVY

Act No. 1/021 of December 30, 2005, on the Protection of Copyright and Related Rights

TITLE III - Limitations

CHAPTER I - Limitations to economic rights

SECTION I - Free uses

Article 26.

Notwithstanding the provisions of Article 24, the following uses of a protected work, in its original language or in translation, shall be permissible without the author's consent:

1. In the case of any work that has been lawfully published:

(a) the reproduction, translation, adaptation, arrangement or other transformation of such a work exclusively for the user's own personal or private use; however, private reproduction shall not apply to the reproduction of works of architecture taking the form of buildings or other similar constructions, reprographic reproduction of an entire book or musical work in graphic format (musical scores), reproduction of all or of major parts of databases in digital format, reproduction of computer programs, except in the cases provided for in Article 27, and reproduction of a work that would conflict with the normal uses of the work or would unreasonably prejudice the legitimate interests of the author.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

BURUNDI

3/3

LEGAL BASIS

LEVY ONLY

Art. 34 of law no. 1/021 of December 30, 2005, on the Protection of Copyright and Related Rights

CHAPTER II - equitable remuneration for reproduction for private use

Article 34.

Notwithstanding the provisions of Article 24, the reproduction of a legally published audiovisual work or a sound recording of a work exclusively for the private use of the user shall be permitted without the authorization of the author, but with equitable remuneration.

COLLECTION AND DISTRIBUTION SYSTEMS

Art. 34-84 of Law no. 1/021 of December 30, 2005, on the Protection of Copyright and Related Rights

CHAPTER II - equitable remuneration for reproduction for private use

Article 34.

Equitable remuneration for reproduction for private use in the cases provided for in the above paragraph shall be paid by the producers and importers of the physical media and devices used for such reproduction, and it shall be collected and distributed by a collective management organization. In the absence of agreement between the collective management organization and the representatives of the producers and the importers, the amount of the equitable remuneration and the conditions of its payment shall be established by the Ministry in charge of culture.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

D

CHAD

18.437 M GDP: EUR 17.63 Bn

CONTACT INFORMATION

COUNTRY	Chad
CURRENCY	XAF

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	BUTDRA
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: No
TARIFFS	Yes - remuneration may not be less than 10 per cent of the price of the medium.
BENEFICIARIES	Authors, performers, producers of phonograms or videograms
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Manufacturers or importers of recording media. ☑ Payment ☒ Disclosure must provide information on the type and quantity of levied products placed on the market on request. ☒ Reporting must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	Reimbursement possible when supports are acquired by: 1. Audiovisual communication companies. 2. Producers of phonograms/videograms (and subcontractors reproducing for them). 3. Institutions designated by the Ministry of Culture that use media to assist visually or aurally impaired persons (Art. 117).
SOCIAL AND CULTURAL DEDUCTIONS	The law does not mandate a fixed cultural deduction.

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

Rates are set by regulation based on the type of recording medium, its recording or storage capacity, and a statutory minimum threshold of 10% of the medium's price (Art. 115).

REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

CHAD

2/4

EXEMPTION AND REFUND

Audiovisual communication companies and producers using media professionally are exempt from the levy payment obligation. Institutions assisting disabled persons may also be exempt. Regarding exempt products, it is not specified but authorization is required for digital audio recording devices without anti-copy protections (with some exemptions possible for professional apparatus).

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Collected by the Chadian Copyright Office (BUTDRA) (Art. 116, 119).

HOW DO YOU MONITOR THE MARKET?

Entrusted to BUTDRA, under the Ministry of Culture

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

BUTDRA collects and distributes remuneration (Arts. 116, 119).

DISTRIBUTION PROCESS

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, performers, producers of phonograms/videograms

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Phonograms: 50% authors, 25% performers, 25% producers
Videograms: equal shares among authors, performers, producers

HOW DO RIGHTSHOLDERS CLAIM THEIR DISTRIBUTION?

Through registration/membership with BUTDRA, which manages distribution

DISTRIBUTION KEYS SUBMITTED?

Phonograms → 50/25/25
Videograms → 1/3 each (authors, performers, producers)

SOCIAL AND CULTURAL FUNDS

No social or cultural fund

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

CHAD

3/4

LEGAL BASIS

EXCEPTION AND LEVY

Law No. 005/PR/2003 of May 2nd, 2003 on the Protection of Copyright, Neighboring rights and Expressions of Folklore

Article 113: The authors and performers of works fixed in phonograms or videograms and the producers of such phonograms or videograms shall be entitled to remuneration for the reproduction of such works intended for strictly personal and private use, not for collective use, and produced pursuant to Article 34 of the present Law.

Article 114: Remuneration for private copying shall be paid by the manufacturer or importer of recording media that can be used for the reproduction for private use of works fixed in phonograms or videograms, when such media are put into circulation in the Republic of Chad. The amount of the remuneration shall be based on the type of medium and the length of recording that it allows. It shall be assessed according to the lump-sum method.

Article 115: The types of medium, the remuneration rates and the procedures for payment of the remuneration shall be laid down in regulations; such remuneration may not be less than 10 per cent of the price of the medium.

Article 116: Remuneration for private copying shall be collected on behalf of the successors in title by the Chadian Copyright Office.
Remuneration for the private copying of phonograms shall be shared out as follows: half to the authors, one quarter to the performers and one quarter to the producers.
Remuneration for the private copying of videograms shall be shared out equally among the authors, performers and producers.

Article 117: Remuneration for private copying shall be reimbursable where the recording medium is acquired for their own use or production by:

1 - audiovisual communication companies;
2 - producers of phonograms and videograms and persons who or which reproduce phonograms or videograms on behalf of the producers thereof;
3 - legal persons or organizations, a list of which shall be drawn up by the Ministry responsible for culture, that use recording media for the purpose of assisting visually or aurally impaired persons.

Article 118: The manufacture, assembly, sale, exchange, hire or making available to the public in any way of any digital audio recording apparatus that does not have a digital audio anti-copying device shall be subject to prior authorization by the Ministry responsible for culture.
The same authorization shall be required for any apparatus, process, device or service, the purpose of which is to remove, bypass, deactivate and more generally make inoperative a digital audio anti-copying device or a device for limiting the possibility of copying or recopying.
A regulatory text shall lay down the rules exempting certain digital audio recording apparatuses from the preceding provisions, where such apparatuses are intended exclusively for lawful professional purposes.
The present Article and any provisions that may be enacted under the foregoing paragraphs shall not impede the implementation of the provisions of Chapter 1 of this part of the Law concerning recording media that can be used by means of digital processes.

LEVY ONLY

Article 114: Remuneration for private copying shall be paid by the manufacturer or importer of recording media that can be used for the reproduction for private use of works fixed in phonograms or videograms, when such media are put into circulation in the Republic of Chad.

Article 115: The types of medium, the remuneration rates and the procedures for payment of the remuneration shall be laid down in regulations; such remuneration may not be less than 10 per cent of the price of the medium.

Article 116: Remuneration for private copying shall be collected on behalf of the successors in title by the Chadian Copyright Office.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

CHAD

4/4

LEGAL BASIS

LEVY ONLY

Article 117: Remuneration for private copying shall be reimbursable where the recording medium is acquired for their own use or production by:

1 - audiovisual communication companies;
2 - producers of phonograms and videograms and persons who or which reproduce phonograms or videograms on behalf of the producers thereof;
3 - legal persons or organizations, a list of which shall be drawn up by the Ministry responsible for culture, that use recording media for the purpose of assisting visually or aurally impaired persons.

Article 118: The manufacture, assembly, sale, exchange, hire or making available to the public in any way of any digital audio recording apparatus that does not have a digital audio anti-copying device shall be subject to prior authorization by the Ministry responsible for culture.

COLLECTION AND DISTRIBUTION SYSTEMS

Chapter 2: Copyright Office

Article 119: A public administrative institution known as the Chadian Copyright Office, abbreviated as BUTDRA, is hereby created under the Ministry responsible for culture.
Pursuant to the present Law, BUTDRA shall be responsible for the collective management of copyright and neighboring rights.
In that capacity it shall be responsible for:

1 – the organization and representation of authors of literary and artistic works and their successors in title;
2 – the promotion and defense of the professional, material and moral interests of such authors and their successors in title;
3 – the promotion of national creativity in the literary, artistic and scientific fields;
4 – exclusive administration on the territory of the Republic of Chad of all the economic rights of its members that it may have determined;
5 – the safeguarding and promotion of Chad's folk heritage.

A decree adopted by the Council of Ministers on the advice of the National Coordinating Body of Chadian Artists or of any other appropriate body shall determine its functions, organization and operating procedures.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

DEMOCRATIC REPUBLIC OF THE CONGO

6.309 M **GDP: EUR 13.77 Bn**

1/2

CONTACT INFORMATION

COUNTRY	Democratic Republic of the Congo
CURRENCY	CDF

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	N/A
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: No
TARIFFS	No
BENEFICIARIES	Not specified
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Producers and importers. ☑ Payment ☒ Disclosure must provide information on the type and quantity of levied products placed on the market on request. ☒ Reporting must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	No
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

The amount shall be calculated in proportion to the retail revenues. No mention of the procedure.

REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

EXEMPTION AND REFUND

No exemptions or refunds

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

DEMOCRATIC REPUBLIC OF THE CONGO

2/2

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

The law only specifies that the levy for personal use shall be paid to the national body responsible for copyright management and protection. No information has been gathered regarding the collection of the levy.

DISTRIBUTION PROCESS

No provisions exist regarding the distribution process.

SOCIAL AND CULTURAL FUNDS

No social or cultural fund

LEGAL BASIS

LEVY ONLY

Art. 68 Ordinance-Law No. 86-033 of April 5, 1986 on the Protection of Copyright and Neighboring Rights

Chapter 4 Exploitation of economic rights

Section 1 – Transfer of economic rights (3) Provisions on hire, loan and reproduction for personal and private use.

Art.68. Any person who produces or imports into the Democratic Republic of the Congo devices able to manufacture productions and the media intended for sound and visual recordings shall be required to pay a royalty to the national body responsible for copyright management and protection. The amount shall be calculated in proportion to the retail revenues.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

DJIBOUTI

1.043 M **GDP: EUR 3.93 Bn**

CONTACT INFORMATION

COUNTRY	Djibouti
CURRENCY	DJF
NAME ORGANIZATION	ODDA

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	ODDA
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: No
TARIFFS	No
BENEFICIARIES	Djiboutian authors, performers and phonogram producers
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Producers and importers. ☑ Payment ☑ Disclosure must provide information on the type and quantity of levied products placed on the market on request. ☑ Reporting must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	Refund scheme for: 1. audiovisual communication companies; 2. the producers of phonograms or the persons who carry out the reproduction of phonograms on behalf of phonogram producers; 3. persons, whether natural persons or legal entities, of whom a list shall be drawn up by the Minister responsible for culture, and who make use of recording material for the purpose of assisting persons with visual or auditory disabilities.
SOCIAL AND CULTURAL DEDUCTIONS	Welfare and Cultural Fund that is partly financed by funds originating from levies from the sale of media.

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

Rates are to be established by Decree of the Council of Ministers.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

DJIBOUTI

2/4

REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

EXEMPTION AND REFUND

No exemptions but refund scheme for:

1. audiovisual communication companies;
2. the producers of phonograms or the persons who carry out the reproduction of phonograms on behalf of phonogram producers;
3. persons, whether natural persons or legal entities, of whom a list shall be drawn up by the Minister responsible for culture, and who make use of recording material for the purpose of assisting persons with visual or auditory disabilities.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

By ODDA

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

ODDA

WHICH RIGHTSHOLDERS ARE INCLUDED?

Djiboutian authors, performers and phonogram producers

SOCIAL AND CULTURAL FUNDS

There is a Welfare and Cultural Fund that is partly financed by funds originating from levies from the sale of media, for the benefit of creators and their heirs.

LEGAL BASIS

EXCEPTION AND LEVY

Art. 54. of Law No. 154/AN/06 of July 23, 2006

Notwithstanding the provisions of Article 10, the following uses of a protected work shall be permissible without the author's consent in the case of a protected work that has been lawfully published:

(a) the reproduction, translation, adaptation, arrangement or other transformation of such a work exclusively for the producer's own personal or private use;

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

DJIBOUTI

3/4

LEGAL BASIS

EXCEPTION AND LEVY

Art. 65. Limitations on Neighboring Rights

Notwithstanding the provisions of Articles 61 to 63, the following acts shall be allowed without the authorization of the rightholders mentioned in those articles and without payment of a consideration: (...)

(d) reproduction solely for the personal and private use of the person who produced it;

Art. 66 – Payment for private copies

Reproduction using sound, visual or audiovisual recording on physical media of works, performances by performers or phonograms protected under this Law, intended for strictly personal and private use as provided for in Articles 54(A) and 65(D) above shall result in remuneration for Djiboutian authors, performers and phonogram producers, of a sum to be based on the nature and recording length of these physical media.

The remuneration shall be paid to the Djiboutian Office of Copyright and Neighboring Rights provided for in Article 75 of this Law by the natural or legal persons who produce or import these physical media, on presentation of documents suitable for defining the remuneration and checking the amount.

LEVY ONLY

Art. 66 – Payment for private copies

Reproduction using sound, visual or audiovisual recording on physical media of works, performances by performers or phonograms protected under this Law, intended for strictly personal and private use as provided for in Articles 54(A) and 65(D) above shall result in remuneration for Djiboutian authors, performers and phonogram producers, of a sum to be based on the nature and recording length of these physical media.

The remuneration shall be paid to the Djiboutian Office of Copyright and Neighboring Rights provided for in Article 75 of this Law by the natural or legal persons who produce or import these physical media, on presentation of documents suitable for defining the remuneration and checking the amount.

Art. 68.

Remuneration for private copying shall be repayable where the recording material is acquired for their own use or production by:

1. audiovisual communication companies;
2. the producers of phonograms or the persons who carry out the reproduction of phonograms on behalf of phonogram producers;
3. persons, whether natural persons or legal entities, of whom a list shall be drawn up by the Minister responsible for culture, and who make use of recording material for the purpose of assisting persons with visual or auditory disabilities.

COLLECTION AND DISTRIBUTION SYSTEMS

Art. 66

(...) The remuneration shall be paid to the Djiboutian Office of Copyright and Neighboring Rights provided for in Article 75 of this Law by the natural or legal persons who produce or import these physical media, on presentation of documents suitable for defining the remuneration and checking the amount.

Art. 67.

The rates of remuneration and means of payment of the remuneration shall be laid down by Decree of the Council of Ministers.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

DJIBOUTI

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LEGAL BASIS

ORGANISATIONS

Art. 66

(…) The remuneration shall be paid to the Djiboutian Office of Copyright and Neighboring Rights provided for in Article 75 of this Law by the natural or legal persons who produce or import these physical media, on presentation of documents suitable for defining the remuneration and checking the amount.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

GABON

2.258 M GDP: EUR 19.2 Bn

CONTACT INFORMATION

COUNTRY	Gabon
CURRENCY	XAF
NAME ORGANIZATION	BUGADA

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Law
EXCEPTION	Yes
LEVY	Equipment: No Media: Yes Cloud Storage: No NPvR: No Reprography: Yes
TARIFFS	Yes. Private copying remuneration applies at 5% of the import price to manufacturers and importers of blank media and recording/printing devices.
BENEFICIARIES	Authors, performers, phonogram or videogram producets and radio or television producers
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Manufacturers, Parties who cause blank media to be manufactured, Importers of blank media. ☑ Payment ☒ Disclosure must provide information on the type and quantity of levied products placed on the market on request. ☒ Reporting must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	No

RATE SETTING

The private copying remuneration is set by Decree No. 000453/PR/MCAEP, which establishes a tariff of 5% per unit calculated on the import purchase price of blank media and recording/printing devices such as audiotapes, videotapes, CDs, DVDs, copiers, fax machines, and similar equipment.

REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

GABON

2/3

EXEMPTION AND REFUND

No exemptions or refunds

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Collected by ANPAC before products are marketed (Art. 89)

HOW FREQUENTLY IS PAYMENT DUE?

At the moment of placing blank media on the market (prior to marketing)

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Collected remuneration is paid into the special fund (Art. 77) managed by ANPAC.

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, performers, phonogram or videogram producers and radio or television producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

The law does not define exact percentages among rightsholders.

SOCIAL AND CULTURAL FUNDS

No knowledge of any social or cultural fund

LEGAL BASIS

EXCEPTION AND LEVY

Art. 33 of law no. 1/87 of July 29, 1987, instituting Protection for Copyright and neighboring rights

When the work has been lawfully made available to the public, the author may not prohibit: (…) -reproductions, translations and adaptations intended for strictly personal and private use.

LEVY ONLY

Art. 89 Rights in blank mediums

Any copy or reproduction reserved for the private use of the copier of works fixed on a phonogram or videogram shall entitle the authors, performers, phonogram or videogram producers and radio or television producers to remuneration.

The remuneration shall be collected prior to any marketing of the product from the person who manufactures, causes to be manufactured or imports the blank mediums referred to in the first paragraph of this Article.

The amount of the remuneration shall be fixed at ten percent of the retail selling price, including all taxes, of the blank medium.

The remuneration shall be collected by ANPAC and shall be paid into the special fund referred to in Article 77 above.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

GABON

3/3

LEVY ONLY

Decree No. 000453/PR/MCAEP on the Establishment of the Price of the Charge on Copyright and Neighboring Rights

G: Manufacturers and importers of blank media, recording devices and printing equipment such as:

- tape recorders
- video recorders
- copiers
- fax machines and similar devices
- audio and video cassettes
- compact discs and similar media

5% per unit, calculated on the import purchase price.

This tariff concerns the reproduction of literary and artistic works using blank media, recording devices, photocopiers and similar equipment.

Notwithstanding the legal provisions relating to economic rights, it is permitted, without the author's authorisation but in return for equitable remuneration, to reproduce – exclusively for private use (including use for scientific or research purposes) – a literary, audiovisual, or sound recording of a work.

COLLECTION AND DISTRIBUTION SYSTEMS

Art. 89

(…) The remuneration shall be collected prior to any marketing of the product from the person who manufactures, causes to be manufactured or imports the blank mediums referred to in the first paragraph of this Article.

ORGANISATIONS

Art. 89

(…) The remuneration shall be collected by ANPAC and shall be paid into the special fund referred to in Article 77 above. or imports the blank mediums referred to in the first paragraph of this Article.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

GUINEA

15.417 M **GDP: EUR 23.81 Bn**

CONTACT INFORMATION

COUNTRY	Guinea
CURRENCY	GNF
NAME ORGANIZATION	BGDA

OVERVIEW

EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: Yes
TARIFFS	Tariffs are generally set by law at a minimum of 10% of the price of the blank medium or device, while for reprographic equipment are to be established separately by decree.
BENEFICIARIES	Authors, performers, producers of phonograms/videograms & Authors, publishers for reprography.
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Manufacturers and importers of blank media/devices for sound, audiovisual, or digital recording. & Manufacturers and importers of reprographic equipment. of blank media. ☑ Payment ☒ Disclosure must provide information on the type and quantity of levied products placed on the market on request. ☒ Reporting must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	Exemptions possible by Ministerial Order, including: 1. Professional use by production and publishing industries 2. Use for supporting visually or hearing-impaired persons (Art. 88)
SOCIAL AND CULTURAL DEDUCTIONS	35% of all private copying revenues allocated to a cultural promotion fund (Art. 87)

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

General Scheme: Fixed by law: at least 10% of the price of the blank media/device

Reprographic Devices: Determined by decree (rates not in law itself)

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

GUINEA

2/4

RATE SETTING

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

General Scheme: Type of media/device and its price
Reprographic Devices: Type of reprographic equipment

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

Under General and Reprographic Schemes: Not foreseen

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

Under General and Reprographic Schemes: No

REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

EXEMPTION AND REFUND

Exemption from levy payment obligation if it is for professional use by production and publishing industries. Institutions assisting disabled persons can also be exempt. No foreseen refunds or reimbursements.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

By collective management organisation, with customs/trade assistance

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

General Scheme: CMO: shares between authors, performers, producers and cultural fund
Reprographic Devices: CMO: shares equally between authors, publishers, and cultural fund

WHICH RIGHTSHOLDERS ARE INCLUDED?

General Scheme: Authors, performers, producers
Reprographic Devices: Authors, publishers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

General Scheme: By law (shares + fund)
Reprographic Devices: By law (equal shares)

HOW DO RIGHTSHOLDERS CLAIM THEIR DISTRIBUTION?

Under General and Reprographic Schemes: Through their mandate/membership in CMOs, which collect and distribute

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

GUINEA

3/4

DISTRIBUTION PROCESS

DISTRIBUTION KEYS SUBMITTED?

General Scheme: 35% fund, 65% split among authors/performers/producers)

Reprographic Devices: Equal shares authors, publishers, fund

SOCIAL AND CULTURAL FUNDS

There is a fund whose purpose is to promote cultural development (supporting national cultural activities, projects and heritage). The deduction percentage is fixed by law and set at 35 % and 1/3 of the remuneraiton from reprography.

LEGAL BASIS

EXCEPTION AND LEVY

General Scheme:

Art. 85 of the Law on the Protection of Literary and Artistic Property, Law L/2019/0028/AN

Article 87:

Authors and performers of works recorded on phonograms, videograms or audiovisual recordings, as well as the producers of such phonograms or videograms, are entitled to remuneration for the reproduction of said works for strictly personal and private use and not for collective use. Remuneration for private copying is collected on behalf of the rights holders by the professional collective management organisation, which must, after deducting management costs, allocate 35% of the sums collected to a cultural promotion fund managed by the collective management organisation.

It is set at a minimum of 10% of the sale price of the said media.

The remainder is redistributed as follows:

- with regard to private copies of phonograms, the remuneration is divided equally between authors, performers and producers;
- with regard to private copies of videograms or audiovisual fixations, the remuneration is divided equally between authors, performers and producers.

General Scheme:

Article 88:

Remuneration for private copying shall be paid by the manufacturer or importer of recording media that can be used for the private reproduction of works fixed on phonograms or videograms or audiovisual fixations, when such media are put into circulation in the Republic of Guinea.

However, persons or institutions listed in a decree issued by the Minister of Culture may, under certain conditions, be exempted from paying remuneration for private copying in the following cases:

- when the recording media are acquired for professional use by the production and publishing industries;
- when the recording media are acquired for the purpose of assisting the visually or hearing impaired.

Article 89:

The amount of remuneration shall depend on the type of media and the recording time or storage capacity it allows. It shall be assessed on a flat-rate basis.

The types of media, the rates of remuneration and the terms of payment thereof shall be determined by regulation, without such remuneration being less than 10% of the price of the media.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

GUINEA

LEGAL BASIS

EXCEPTION AND LEVY

Reprographic Devices:

Article 90:

Authors of printed works and publishers of such works are entitled to remuneration for reproduction for strictly personal and private use.

The remuneration provided for in this article shall be paid by the manufacturer or importer of devices that can be used for the private reproduction of a printed work, when such devices are placed on the market in the Republic of Guinea. The types of devices subject to remuneration and the rate of such remuneration, as well as the terms of payment, shall be determined by regulation.

The remuneration provided for in this article shall be collected on behalf of the rights holders or their successors in title by the collective management organisation. It shall be distributed in equal shares to authors, publishers and the cultural promotion fund provided for in Article 87 above.

Article 91:

Authors of printed works and publishers of such works shall be entitled to remuneration for the reproduction of such works by reprography.

The types of equipment subject to remuneration and the rate of such remuneration, as well as the terms of payment, shall be determined by regulation.

The remuneration provided for in this article shall be collected by the collective management organisation. It shall be distributed equally among authors, publishers and the cultural promotion fund provided for in Article 87 above.

LEVY ONLY

Article 90:

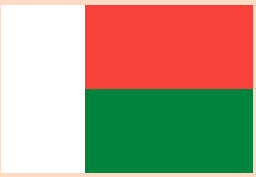
The authors of printed works and the publishers of said works are entitled to remuneration for reproduction intended for strictly personal and private use.

COLLECTION AND DISTRIBUTION SYSTEMS

Article 90:

(…) The remuneration provided for in this article shall be collected on behalf of the rights holders or their successors in title by the collective management organisation. It shall be divided equally between the authors, the publishers and the cultural promotion fund provided for in Article 87 above.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS



MADAGASCAR

30.594 M **GDP: EUR 16.1Bn**

1/5

CONTACT INFORMATION

COUNTRY	Madagascar
CURRENCY	MGA
NAME ORGANIZATION	OMDA
WEB SITE	www.omda.mg

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Decree
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: Yes
TARIFFS	In progress. The Government is setting up the Commission that will be in charge of setting the rates.
BENEFICIARIES	Authors, performers and producers of phonograms and videograms
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Manufacturers, importers ☑ Payment ☒ Disclosure must provide information on the type and quantity of levied products placed on the market on request. ☒ Reporting must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	Products imported by embassies. Reimbursement where the recording medium is acquired for own use or production by: - audiovisual communication companies, - producers of phonograms or videograms, - legal entities or bodies assisting persons with visual or auditory disabilities
SOCIAL AND CULTURAL DEDUCTIONS	25% of reprography remuneration is allocated to a subsidy fund for the publication of literary works (Art. 122).

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MADAGASCAR

2/5

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

General Scheme: Assessed on a lump-sum basis under Art. 63(2). Rates set according to the type of machine/media and recording capacity (Art. 119).

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

General Scheme: Type of medium. Length/capacity of recording (for phonograms/videograms)

Reprographic Devices: Type of reproduction machine

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

Under General and Reprographic Schemes: Rates and modalities determined by a **Commission** presided by the Minister for Culture (Art. 120)

REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

EXEMPTION AND REFUND

Institutions serving the visually or aurally impaired may be reimbursed. Products imported by embassies are exempt from levies.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

The importer sends a request to OMDA. After payment of fees, OMDA issues an authorization that the importer will present to Customs.

HOW FREQUENTLY IS PAYMENT DUE?

At import (for importers) or at circulation (for local manufacturers) (Art. 119)

HOW DO YOU MONITOR THE MARKET?

Supervised by the Commission (Art. 120) and the public body referred to in Art. 124

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Implied through levy collection at customs (import stage)

ARE EXPORTS EXEMPTED?

Yes

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Under General and Reprographic Schemes: OMDA (Malagasy Copyright Office)

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MADAGASCAR

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DISTRIBUTION PROCESS

WHICH RIGHTSHOLDERS ARE INCLUDED?

General Scheme: Authors, performers, producers (for phonograms and videograms)
Reprographic Devices: Authors (for reprography)

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

General Scheme: Phonograms: 50% authors, 25% performers, 25% producers
Videograms: equal shares to authors, performers, producers
Reprographic Devices: Reprography: 75% authors, 25% subsidy fund for publishing

DISTRIBUTION KEYS SUBMITTED?

Under General and Reprographic Schemes: Yes

SOCIAL AND CULTURAL FUNDS

There is a deduction to promote cultural development through the support of book publishing. The percentage of reprography remuneration allocated to the subsidy fund is fixed by law to 25 %.

LEGAL BASIS

EXCEPTION AND LEVY

General Scheme:

Law no. 94-036 of 18 September 1995 on literary and Artistic Property

Art. 42
Notwithstanding the provisions of Title II, Chapter II, on proprietary rights, and subject to the provisions of paragraph 2 of this article and the provisions of Book III, Title I, it shall be permitted, without authorization from the author, to reproduce a work lawfully published exclusively for the private use of the user.
Paragraph 1 shall not apply:

1) to the reproduction of works of architecture in the form of buildings or other similar reconstructions;

2) to the reprographic reproduction of limited-edition works of fine art, to the graphic presentation of musical works (scores) or to exercise manuals that are used only once;

3) to the reproduction of the whole or large parts of databases;

4) to the reproduction of computer programs, save in the cases referred to in Article 51.

LEVY ONLY

General Scheme:

Art. 63
The author may assign his rights in his work in whole or in part. This assignment must include a proportional share of the proceeds of the sale or exploitation for the benefit of the author. The remuneration of the author may, however, be assessed as a lump sum in the following cases: 2) where there are no means of monitoring the application of the share;

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MADAGASCAR

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LEGAL BASIS

LEVY ONLY

Art. 116
The authors and performers of works fixed on phonograms or videograms, and the producers of these phonograms or videograms, are entitled to remuneration for the reproduction of the said works carried out under the conditions specified in Article 43(4) and Article 115(2). Authors are entitled to remuneration for the reprographic reproduction of their works carried out under the conditions specified in Article 43(4).

Art. 117
Subject to international agreements, the right to remuneration referred to in Articles 108 and 116 is shared between the authors, performers and producers of phonograms or videograms for phonograms and videograms fixed for the first time in Madagascar.

Art. 118
Remuneration for private copying and reprography, under the conditions specified below, shall be assessed in accordance with the lump-sum method provided for in Article 63(2).

Art. 120
The types of medium, the remuneration rates and the procedures for paying the remuneration shall be determined by a commission presided over by the Minister for Culture and Communication and composed in addition as follows: – half shall consist of persons appointed by organizations representing the beneficiaries of the remuneration right, – one-sixth shall consist of persons representing the body ad ministering copyright and related rights, – one-sixth shall consist of persons appointed by the organizations representing the manufacturers or importers of the machines and media referred to in the first paragraph of the preceding article, – one-sixth shall consist of persons appointed by organizations representing consumers.

Art. 121
The remuneration provided for in Article 116 shall be paid for and on behalf of the author's successors in title by the body referred to in Title II of this book. It shall be shared among the successors in title by the body referred to the preceding paragraph, on the basis of the private reproductions made of each work.

Art. 122
Remuneration for the private copying of phonograms shall be shared out as follows: – half to the authors, – one quarter to the performers, and – one quarter to the producers as reimbursement under the conditions set out in Article 123 below. Remuneration for the private copying of videograms shall be distributed in equal shares to the authors, performers and producers as reimbursement under the conditions set out in Article 123. Remuneration for reprography shall be shared out as follows: – three-quarters to the authors, and – one quarter for the subsidy fund for the publication of literary works. The aforementioned remuneration and the administration of the reimbursement fund shall be allocated to the body referred to in Article 124 which shall establish the operating rules.

Art. 123
Remuneration for private copying shall give rise to a reimbursement where the recording medium is acquired for their own use or production by:

1) legally constituted audiovisual communication companies;

2) legally constituted producers of phonograms or videograms and the persons who reproduce these phonograms or videograms for or on behalf of their producers;

3) legal entities or bodies, a list of which shall be drawn up by the Minister for Culture and Communication, that use the recording media for the purpose of assisting visually or aurally impaired persons.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MADAGASCAR

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LEGAL BASIS

LEVY ONLY

Reprographic Devices:

Article 119

The remuneration specified in Article 118 shall be paid by the manufacturer or importer of reproduction machines, including reproduction machines and recording media that can be used for the reproduction for private use of works and objects protected by related rights fixed on phonograms or videograms, at the time of entry at the border for importers and at the time of putting into circulation in Madagascar for local manufacturers. The amount of the remuneration shall be based on the type of the reproduction machine, including reprographic machines, and for phonograms and videograms it shall be based on the medium and the length of the recording it allows.

COLLECTION AND DISTRIBUTION SYSTEMS

General Scheme:

Art.124

The collection and sharing out of copyright fees and the defence of the material interests of authors shall be entrusted to a public body comprising authors and holders of related rights, which shall be created by decree and shall be the only one allowed to operate on the territory of the Republic of Madagascar. This body shall substitute as of right for any professional body of authors and holders of related rights in the execution of outstanding contracts with users or users' associations on the territory of the Republic of Madagascar.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MALI

24.031 M **GDP: EUR 21 Bn**

CONTACT INFORMATION

COUNTRY	Mali
CURRENCY	XOF
NAME ORGANIZATION	BUMDA
WEB SITE	https://www.facebook.com/bureaumaliendudroitdauteur/?locale=fr_FR
E-MAIL	bundamli@gmail.com

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	BUMBA
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	10% of CIF value for imports - 5% of market value for domestically manufactured goods
BENEFICIARIES	Authors, Performers, Producers of phonograms and videograms (Art. 133, 138)
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Manufacturers and importers of blank media and devices (Art. 134) ☑ Payment ☑ Disclosure of information on the type and quantity of levied products placed on the market on request. ☑ Reporting - parties must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	Professional use by press organisations and for Recording needs of public institutions for persons with disabilities (Art. 136)
SOCIAL AND CULTURAL DEDUCTIONS	50% of total collected amounts allocated to a Fund for cultural promotion (Art. 138)

RATE SETTING

Levies/remuneration is set by law
10% of CIF (Cost + Insurance + Freight) value for imports
5% of market value for domestically manufactured goods (Art. 135)
They take into account the type of media/device and the value (import CIF or local market value)

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MALI

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REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

EXEMPTION AND REFUND

There is an exemption from the levy payment obligation for press organisations and institutions for disabled persons in case of professional use. Devices/media used by public institutions serving persons with disabilities are products exempt from levies.

COLLECTION PROCESS

HOW IS THE COLLECTION ORGANISED?

Collected by the CMO, with assistance from customs, trade, and competition services

HOW DO YOU MONITOR THE MARKET?

Customs and trade authorities must notify the CMO of imports.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Explicitly mandated

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

BUMDA

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, performers, phonogram and videogram producers (Art. 133, 138)

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

By law (Art. 138):
50% to cultural promotion fund
Phonograms: 50% authors, 25% performers, 25% producers
Videograms: Equal shares between authors, performers, producers

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Through membership or representation by the CMO

SOCIAL AND CULTURAL FUNDS

There is a social and cultural deduction to support cultural promotion in Mali which amounts to 50 %.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MALI

3/4

LEGAL BASIS

EXCEPTION AND LEVY

Law No. 2017-012/ of June 1, 2017 Establishing the Regime of Literary and Artistic Property

Article 133

Authors and performers of works recorded on phonograms or videograms, as well as the producers of such phonograms or videograms, shall be entitled to remuneration for the reproduction of such works for strictly personal and private use and not for collective use.

Article 134

Remuneration for private copying shall be based on blank analogue or digital recording media, whether removable or not, and on recording and reprographic devices.

The manufacturer and importer of these media and devices are required to pay, on the quantities they make available to the public, remuneration known as 'private copying remuneration' in return for the facility they offer to users of their media and devices to reproduce, in the form of phonograms and videograms, for personal use, works lawfully communicated to the public.

Article 135

The remuneration for private copying is set at 10% of the CIF value of the aforementioned media and devices when they are imported and at 5% of their market value if they are manufactured in Mali.

The following are subject to the private copying levy:

a. sound, image and text recorders;
b. telephone devices equipped with systems for recording, storing and/or sharing files of literary and artistic works;
c. USB keys, hard drives, memory cards and similar devices;
d. photocopiers;
e. scanners for non-biomedical use;
f. printing machines and, in general, any device, apparatus or system used to reproduce works;
g. all blank media and devices used to record, store or reproduce sound, text or images.

Article 136

However, remuneration for private copying does not apply when the media and devices specified above are intended for professional use by press organisations or for the recording of works for the needs of specialised public institutions for disabled persons.

Article 137

Remuneration for private copying shall be collected with the assistance of the customs, trade and competition authorities, which shall be required to inform the professional collective management organisation in good time of any intention to import or any importation of the items referred to in Article 135 of this Law of which they are aware.

Article 138

Remuneration for private copying shall be collected on behalf of the rightholders by the professional collective management organisation, which shall, after deducting management costs, allocate 50% of the sums collected to a cultural promotion fund. The remainder shall be redistributed as follows:

a) With regard to private copies of phonograms, 50% of the remuneration shall go to authors, 25% to performers and 25% to producers;
b) With regard to private copies of videograms, the remuneration shall be divided equally between authors, performers and producers.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MALI

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LEGAL BASIS

LEVY ONLY

Article 134

Remuneration for private copying is based on blank recording media, whether analogue or digital, removable or non-removable, and on recording and reprographic devices. The manufacturer and importer of such media and devices are required to pay, on the quantities they make available to the public, a remuneration known as 'private copying remuneration' in return for the facility they offer to users of their media and devices to reproduce, in the form of phonograms and videograms, for personal use, works lawfully communicated to the public.

Article 135

Remuneration for private copying is set at 10% of the CIF value of the aforementioned media and devices when they are imported and at 5% of their market value if they are manufactured in Mali.

The following are subject to the private copying levy:

- sound, image and text recorders;
- telephone devices equipped with systems for recording, storing and/or sharing files of literary and artistic works;
- USB keys, hard drives, memory cards and similar devices;
- photocopiers;
- scanners for non-biomedical use;
- printing machines and, in general, any device, apparatus or system used to reproduce works;
- all blank media and devices used to record, store or reproduce sound, text or images.

Article 136

However, remuneration for private copying does not apply when the media and devices specified above are intended for professional use by press organisations or for recording works for the needs of specialised public institutions for disabled persons.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MAURITANIA

4.529 M **GDP: EUR 9.89 Bn**

CONTACT INFORMATION

COUNTRY	Mauritania
CURRENCY	MRU

OVERVIEW

EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes
BENEFICIARIES	Author, Performers, and Producer
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	The manufacturer and the importer of magnetic tapes or other blank media. ☑ Payment ☒ Disclosure must provide information on the type and quantity of levied products placed on the market on request. ☑ Reporting must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	% or legislative situation

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

The proportional rates and flat-rate tariffs of the levy are set by order of the Minister responsible for Culture

REFURBISHED DEVICES

Refurbished devices are not subject to a levy

EXEMPTION AND REFUND

There are exemptions from levy payment for media/devices intended for the professional recording of works, as well as for media/devices used for recordings not involving works. Media/devices are exempt from levies when used for professional recording, non-work recording, or for institutions for disabled persons. Public institutions specialized for persons with disabilities and their associations are also exempt from paying the levies. Exemptions are possible ex-ante if the liable party can precisely identify the quantities destined for exempted uses. The law does however not provide for ex-post refunds.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MAURITANIA

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COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

The levy is collected by the national CMO designated for copyright, from manufacturers and importers of blank media and recording devices. Payment is made directly to this institution, which is also responsible for monitoring compliance and distributing the funds.

HOW DO YOU MONITOR THE MARKET?

Article 128 – obliges liable parties to declare the "actual quantities of media and devices, produced locally or imported, with their public sale price." – Monitoring tools (cross-checks with customs/tax data, audits, etc.) are not detailed in the law;

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Not expressly covered

DISTRIBUTION PROCESS

There are no provisions regulating the distribution process.

SOCIAL AND CULTURAL FUNDS

There is a social and cultural deduction for the promotion of the creation of literary and artistic works and the preservation of traditional cultural heritage, which is set at 30 %.

LEGAL BASIS

EXCEPTION AND LEVY

Law No. 2012-038 of July 17, 2012, on Literary and Artistic Property

Title IV
Private Copying

Article 124. Private reproduction, for personal use, of a work on blank magnetic media gives rise to remuneration for the author, the performing artist, and the producer of the phonograms or videograms of the work thus reproduced, under the conditions set forth in Articles 126 to 129 of this law.

Article 125. The manufacturer and the importer of magnetic tapes or other blank media, as well as of recording devices, are required to pay, on the quantities of media and devices they make available to the public, a levy hereinafter referred to as the "private copying levy," in consideration of the possibility they provide to users of their media and devices to reproduce at home, in the form of phonograms and videograms, for personal use, works lawfully communicated to the public.

Article 126. Exempted from payment of the levy referred to in Article 125 above are media and devices intended for the professional recording of works, for recording not involving works, and for the recording of works for the needs of public institutions specialized in services for persons with disabilities and their associations.

However, the private copying levy is due for all quantities placed on the market when the liable party has not precisely determined the number of media and devices exempted from payment of the levy under the cases provided for in the first paragraph of this Article.

Article 128. The party liable for the private copying levy must regularly communicate to the institution in charge of copyright management the actual quantities of media and devices, produced locally or imported, together with their public sale price, intended for private use. The terms of application of this Article shall be set by regulation.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MAURITANIA

3/3

LEGAL BASIS

LEVY ONLY

Article 127. The private copying levy is calculated proportionally to the sale price for blank media and on a flat-rate basis for reproduction devices.
The proportional rates and flat-rate tariffs of the above-mentioned levy are set by order of the Minister responsible for Culture.
The above-mentioned levy is paid by the liable party to the institution in charge of copyright management.

COLLECTION AND DISTRIBUTION SYSTEMS

Article 129. The private copying levy collected is distributed, after deduction of management costs, by the institution in charge of copyright management to the categories of beneficiaries according to the following shares:

- 30% to the author and composer;
- 20% to the performing artist or performer;
- 20% to the producer of phonograms or videograms;

30% to the promotion of the creation of literary and artistic works and the preservation of traditional cultural heritage.

ORGANISATIONS

Article 127. The private copying levy is calculated proportionally to the sale price for blank media and on a flat-rate basis for reproduction devices.
The proportional rates and flat-rate tariffs of the above-mentioned levy are set by order of the Minister responsible for Culture.
The above-mentioned levy is paid by the liable party to the institution in charge of copyright management.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MAURITIUS

1.258 M GDP: EUR 13.82 Bn

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CONTACT INFORMATION

COUNTRY	Mauritius
CURRENCY	MUR
NAME ORGANIZATION	MASA
WEB SITE	https://masa.govmu.org/masa/
E-MAIL	masa.admin@myt.mu

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Law
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: No
TARIFFS	No
BENEFICIARIES	Authors, copyright owner or the society, as applicable
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Manufacturers of equipment or material supports normally used for private reproduction. Importers of such equipment or material supports. ☑ Payment ☒ Disclosure must provide information on the type and quantity of levied products placed on the market on request. ☒ Reporting must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	Equipment or material supports destined for export are exempt - Importation by a private person for his own personal purposes is exempt (Art. 16(3)(b)(ii)). - Exemptions also cover works of architecture, substantial reprography of books/scores, databases in digital form, and computer programs (Art. 16(2)).
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

The Act does not set rates; it establishes the right to equitable remuneration and assigns collection/distribution to the Society (MASA). Rates would be defined by regulation or agreements administered through MASA.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MAURITIUS

2/3

REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

EXEMPTION AND REFUND

There is an exemption in case of export. There are some consumers/buyers exempt from paying the levies, and works of architecture, reprography of books or scores, databases and computer programs are exempt from levies.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Collection and distribution managed by the Mauritius Society of Authors (MASA)

ARE EXPORTS EXEMPTED?

Yes

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS ?

MASA (Mauritius Society of Authors)

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors and copyright owners of audiovisual works and sound recordings

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

The law does not fix percentages

HOW DO RIGHTSHOLDERS CLAIM THEIR DISTRIBUTION?

Through membership or mandate with MASA

SOCIAL AND CULTURAL FUNDS

There is no social or cultural fund.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MAURITIUS

3/3

LEGAL BASIS

EXCEPTION AND LEVY

The Copyright (Amendment) Act 2017 (Act No. 13 of 2017)

Part IV - Limitation on economic rights

Art. 16. Private reproduction for personal purposes

(1) Subject to subsection (2), the private reproduction of a legally obtained published work in a single copy shall be permitted, without the authorisation of the author or owner of copyright, where the reproduction is made by a natural person for his own personal use.

(2) The permission under subsection (1) shall not extend to reproduction — (a) of a work of architecture in the form of building or other construction; (b) in the form of reprography of the whole or of a substantial part of a book or of a musical work in the form of notation; (c) of the whole or of a substantial part of a database in digital form; and (d) of a computer programme, except as provided in section 22.

(3) Equitable remuneration shall be paid to the author or copyright owner or to the Society, as applicable.

ORGANISATION

MASA

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MOZAMBIQUE

34.858 M **GDP: EUR 20.28 Bn**

CONTACT INFORMATION

COUNTRY	Mozambique
CURRENCY	MZN
NAME ORGANIZATION	SOMAS
WEB SITE	www.somas.org.mz
E-MAIL	somas@somas.org.mz

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	SOMAS
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: No
TARIFFS	Set by the Council of Ministers.
BENEFICIARIES	Authors, Performers, and phonogram producers
LIABLE PARTIES FOR PAYMENT AND	Importers, manufacturers, vendors of physical supports. ☑ Payment ☒ Disclosure must provide information on the type and quantity of levied products placed on the market on request. ☑ Reporting must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	No
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

Rates are set by the Council of the Ministers (Art. 25(1)).

REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

EXEMPTION AND REFUND

There are no exemptions or refunds.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MOZAMBIQUE

2/3

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

To be managed by CMOs authorised by the Ministry of Culture (Arts. 93–94).

HOW FREQUENTLY IS PAYMENT DUE?

Not specified; depends on implementing regulations.

HOW DO YOU MONITOR THE MARKET?

Reporting obligations for importers/manufacturers/vendors of recording media and devices (Art. 84(5)–(6))

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Implicit: monitoring is linked to customs and tax controls (Art. 84 mentions importers/factories).

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS ?

By CMOs authorised by the Ministry (Arts. 93–94)

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, performers, phonogram producers (Arts. 25 & 63)

SOCIAL AND CULTURAL FUNDS

There is no social or cultural deduction.

LEGAL BASIS

EXCEPTION AND LEVY

Law No. 9/2022 of 29 June 2022 on Copyright and Related Rights, repealing Law No. 4/2001 of 27 February 2001

CHAPTER III

Use of the Work

SECTION I

Limitations on economic rights

Article 25

The reproduction of a lawfully published work exclusively for the private use of the user, provided that the title and name of the author are mentioned and their authenticity and integrity are respected, is subject to the payment of a fee set by the Council of Ministers, in accordance with the applicable legislation.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MOZAMBIQUE

3/3

LEGAL BASIS

EXCEPTION AND LEVY

The permission referred to in paragraph 1 of this article does not apply to the following situations:

a) the reproduction of architectural works consisting of buildings or other similar constructions;
b) the reprographic reproduction of limited edition works of fine art;
c) the reproduction of musical scores;
d) the reproduction of exercise books and other publications, even if persons only use them once;
e) the reproduction of the entirety or significant parts of databases;
f) the reproduction of computer programmes, except in the cases provided for in Article 32 of this Law;
g) any other reproduction of a work that prejudices its normal exploitation or causes unjustified harm to the legitimate interests of the author.

Article 63
(Remuneration for private reproduction)
The provisions of Article 25 of this Law shall apply to performers and phonogram producers.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

NIGER

28.08 M **GDP: EUR 18.36 Bn**

CONTACT INFORMATION

COUNTRY	Niger
CURRENCY	XOF
NAME ORGANIZATION	BNDA

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	BNDA
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: No
TARIFFS	Provided for by law, but specific tariff schedules are to be determined by regulation/ implementing rules.
BENEFICIARIES	Authors, performers, and producers of phonograms
LIABLE PARTIES FOR PAYMENT AND	Producers and importers of devices and material supports used for private copying. ☑ Payment ☑ Disclosure must provide information on the type and quantity of levied products placed on the market on request. ☑ Reporting must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	Yes, for exported and non-normally usable for private copying
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

Rates are established under the statutory framework set out in Article 27 of Ordonnance n°2010-95, with the detailed rates and modalities to be determined through implementing regulations and administered by BNDA; in setting such levies, account is taken in particular of the type of device or material support concerned and its capability to enable private copying.

EXEMPTION AND REFUND

EXEMPTION IN CASE OF EXPORT?

Yes

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

NIGER

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EXEMPTION AND REFUND

ARE THERE EXEMPTIONS FROM THE LEVY PAYMENT OBLIGATION IN CASE OF PROFESSIONAL USE?

Yes, where devices/supports are not normally usable for private copying.

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USERS)?

Professional equipment and non-consumer supports.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Centralised collection by BNDA.

HOW DO YOU MONITOR THE MARKET?

By BNDA within its statutory mandate.

ARE EXPORTS EXEMPTED?

Yes

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

BNDA

WHICH RIGHTS HOLDERS ARE INCLUDED?

Authors, performers and producers of phonograms

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Determined by regulation in force.

SOCIAL AND CULTURAL FUNDS

The legislation does not expressly provide for the establishment of social and/or cultural funds, nor for any social or cultural deduction from private copying remuneration.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

NIGER

3/4

LEGAL BASIS

Ordinance No. 2010-95 of December 23, 2010 on Copyright, Neighbouring Rights, and Traditional Cultural Expressions

EXCEPTION AND LEVY

Article 10: Free Reproduction for Private Purposes

Notwithstanding the provisions of Article 9, and subject to paragraph 2 of this Article and to Articles 25, 26, and 27, it is permitted, without the author's authorisation and without payment of remuneration, to reproduce a lawfully published work exclusively for the private use of the user.

The above provisions do not apply to the reproduction of:

(i) works of architecture in the form of buildings or other similar constructions;

(ii) reprographic reproduction of works of fine art produced in limited editions, the graphic presentation of musical works (sheet music), and exercise manuals and other publications intended for single use;

(iii) the whole or substantial parts of databases;

(iv) computer programs, except in the cases provided for in Article 16;

(v) a work where such reproduction would conflict with the normal exploitation of the work or cause unjustified prejudice to the legitimate interests of the author.

Article 27: Equitable Remuneration for Reproduction for Private Purposes

Notwithstanding the provisions of Article 9, it is permitted, without the author's authorisation but subject to the payment of equitable remuneration, to reproduce, exclusively for the private use of the user, a lawfully published audiovisual work or a sound recording of a work.

The equitable remuneration for reproduction for private purposes in the cases provided for in the first paragraph shall be paid by the producers and importers of devices and material supports used for such reproduction, and shall be collected and distributed by the Bureau Nigérien du Droit d'Auteur.

The distribution of the equitable remuneration payable to authors under this Article, and to performers and producers of phonograms under Article 64, shall be carried out among these three groups of right holders in accordance with the regulations in force.

However, the material supports referred to in the above paragraph are exempt from the payment of equitable remuneration:

(i) where they are exported;

(ii) where they cannot normally be used for the reproduction of works for private purposes (such as professional equipment and material supports, or dictaphones and the cassettes used for them).

LEVY ONLY

Article 65: Equitable Remuneration for Private Reproduction

Notwithstanding the provisions of Articles 59 and 60 above, it is permitted, without the authorisation of the performer whose performance is fixed on a phonogram and without the authorisation of the producer of the phonogram, but subject to the payment of equitable remuneration as provided for in Article 26, paragraph 2 above, in their favour, to reproduce a phonogram exclusively for the private use of the user.

Paragraphs 2 to 4 of Article 26 are also applicable with regard to the equitable remuneration referred to in the first paragraph of this Article.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

NIGER

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

Article 27: Equitable Remuneration for Reproduction for Private Purposes

(...) The equitable remuneration for reproduction for private purposes in the cases provided for in the first paragraph shall be paid by the producers and importers of devices and material supports used for such reproduction, and shall be collected and distributed by the Bureau Nigérien du Droit d'Auteur.

The distribution of the equitable remuneration payable to authors under this Article, and to performers and producers of phonograms under Article 64, shall be carried out among these three groups of right holders in accordance with the regulations in force. (...)

Article 100

In order to enable the implementation of the right of importation and the right to remuneration for private copying, as provided for respectively in Articles 9, 27, and 65 of this Ordinance, an import visa is hereby established for artistic and literary works, as well as for blank media and other devices used to fix or reproduce such works.

The import visa shall be issued by the Bureau Nigérien du Droit d'Auteur, in accordance with modalities to be specified by regulation.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

D

SENEGAL

18.661 M GDP: EUR 30.4 Bn

CONTACT INFORMATION

COUNTRY	Senegal
CURRENCY	XOF
NAME ORGANIZATION	SODAV
WEB SITE	https://lasodav.sn/web/
E-MAIL	contact@lasodav.sn

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Law
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: No
BENEFICIARIES	Authors, performers, producers of sound recordings
LIABLE PARTIES FOR PAYMENT AND	Manufacturers and Importers. ☑ Payment ☒ Disclosure must provide information on the type and quantity of levied products placed on the market on request. ☒ Reporting must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	15%

RATE SETTING

The list of such devices and equipments shall be determined by the committee referred to in Article 105 of Law 2008-09 (Private Copy Commission). Remuneration shall be based on the use of blank analogue or digital recording media, whether removable or not, and on recording equipment. Empirical studies are not necessary.

REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

SENEGAL

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EXEMPTION AND REFUND

There is an exemption in case of export.
With regard to ex-ante exemptions, the organizations or individual companies concerned are listed by law and must be statutorily qualified, for example by showing proof of lawful activity and payment of income tax. An ex-post refund is possible where the recording medium or device is acquired for own use or production by broadcasting organizations, by producers of phonograms or videograms, or by legal persons or organizations listed by the Minister of Culture. For the third category only, a refund applies if the media are used to assist the visually or hearing impaired. Only importers are qualified for refunds; third parties are not.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

In practise, customs are in charge of collecting in virtue of agreement between SODAV and Customs and importers and manufacturers have to declare their goods to customs.

HOW FREQUENTLY IS PAYMENT DUE?

Payment is due on importation.

HOW DO YOU MONITOR THE MARKET?

Importers and manufacturers can be audited by customs during good receipts (airport, port, etc.). They fulfil customs reports, review of the importer's documentation and inspection in retail shops.

In case of reasonable doubts concerning the correctness of reports they can ask SODAV endorsement. Customs are in charge of collecting. Inspection of customs reports, review of the importers' documentation (declaration form) and inspections in retail shops.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

SODAV and Customs authorities will jointly sign a contract to collect private copy levies. As custom administration is membership of Private Copy Commission (1 representative) it augurs a good relationship based on fair and friendly relationship.

ARE EXPORTS EXEMPTED?

Yes

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

SODAV
Based on Law 2008-09, the remuneration for private copying is collected on behalf of the beneficiaries by one or more approved collective societies.

WHICH RIGHTS HOLDERS ARE INCLUDED?

Individual music, audiovisual and dramatic rightsholders.

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

The remuneration for private copying shall be divided among the rightful claimants by the companies referred to in Article 108, on account of the private reproductions in which each work, each performance, each phonogram and each videogram is the subject.

DISTRIBUTION KEYS SUBMITTED?

It shall be distributed, after deduction of the fraction referred to in Article 122 (15%), one third for each category to authors, performers and producers.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

SENEGAL

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SOCIAL AND CULTURAL FUNDS

There is a social and cultural deduction to assist creation, promote live entertainment and for training schemes for rights owners, which is set at 15 %.

LEGAL BASIS

EXCEPTION AND LEVY

EXCEPTION

Law no. 2008-09 of January 25, 2008 on Copyright and Related Rights B

Exceptions to the right of reproduction.
1. The author may not prohibit reproduction intended for strictly personal and private use.
2. The exception set out in paragraph 1 shall not apply to:

(a) the reproduction of architectural works in the form of buildings or other similar structures;
(b) the reprographic reproduction of works of visual art in limited editions, musical scores and textbooks;
(c) the reproduction of an electronic database; (d) the reproduction of a computer program.

LEVY

Law no. 2008-09 of January 25, 2008 on Copyright and Related Rights

103. works, performances, phonograms and videograms for which remuneration is owed.

– Remuneration shall be owed for the private copying, carried out under the conditions referred to in Article 40.1, of works and performances fixed on phonograms and videograms.

104. Recipients.
– Such remuneration shall be owed to authors, performers and producers of phonograms and videograms. Article 105. Private Copying Commission.
1. A commission called the Private Copying Commission is hereby established with responsibility for determining the basis of remuneration for private copying and the amount of and payment procedure for such remuneration.
2. The membership of the Commission shall be determined by means of regulations.

Article 105 (a). Basis.
– Remuneration shall be based on the use of blank analogue or digital recording media, whether removable or not, and on recording equipment. The list of such media and equipment shall be determined by the Commission referred to in Article 105.

Article 106. Payment amount and procedure.
1. The amount of remuneration and the procedure for the payment thereof shall be determined by the Commission referred to in Article 105.
2. The amount of remuneration shall take account of the degree of use of the technological protection measures referred to in Article 125 and of their impact on practices under the exception for private copying.

Article 107. Debtors.
1. Remuneration for private copying shall be paid by the manufacturer or the importer of blank recording media and recording equipment.
2. Such remuneration shall be refunded where the recording medium or equipment is acquired for their own use or production by:

(a) broadcasting organizations;
(b) phonogram or videogram producers;
(c) legal persons or organizations, the list of which shall be determined by the Minister of Culture, that use recording media or equipment for the purpose of assisting persons with sight or hearing disabilities.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

SENEGAL

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LEGAL BASIS

EXCEPTION AND LEVY

Article 108. Collection. Remuneration for private copying shall be collected on behalf of the entitled persons by one or more approved collective management societies.

Title II. – Collective management
Article 122. Allocation for cultural purposes of a percentage of remuneration for private copying.
1. Collective management societies shall use 15 per cent of the sums obtained from remuneration for private copying for action to assist creation and promote live entertainment and for training schemes for rights owners.

2. The distribution of the corresponding sums, which shall not be to the benefit of only one single body, shall be subject to a vote at the society's general assembly, which shall decide on the basis of a two-thirds majority. In the absence of such majority, a further general assembly, convened specifically for that purpose, shall take a decision on the basis of a simple majority.

LEVY ONLY

Law no. 2008-09 of January 25, 2008 on Copyright and Related Rights

Article 103. works, performances, phonograms and videograms for which remuneration is owed.

– Remuneration shall be owed for the private copying, carried out under the conditions referred to in Article 40.1, of works and performances fixed on phonograms and videograms.

Article 104. Recipients.
– Such remuneration shall be owed to authors, performers and producers of phonograms and videograms.

Article 105. Private Copying Commission.
1. A commission called the Private Copying Commission is hereby established with responsibility for determining the basis of remuneration for private copying and the amount of and payment procedure for such remuneration.

2. The membership of the Commission shall be determined by means of regulations.

Article 105 (a). Basis.
– Remuneration shall be based on the use of blank analogue or digital recording media, whether removable or not, and on recording equipment. The list of such media and equipment shall be determined by the Commission referred to in Article 105.

Article 106. Payment amount and procedure.
1. The amount of remuneration and the procedure for the payment thereof shall be determined by the Commission referred to in Article 105.
2. The amount of remuneration shall take account of the degree of use of the technological protection measures referred to in Article 125 and of their impact on practices under the exception for private copying.

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1. Remuneration for private copying shall be paid by the manufacturer or the importer of blank recording media and recording equipment.
2. Such remuneration shall be refunded where the recording medium or equipment is acquired for their own use or production by:

(a) broadcasting organizations;
(b) phonogram or videogram producers;
(c) legal persons or organizations, the list of which shall be determined by the Minister of Culture, that use recording media or equipment for the purpose of assisting persons with sight or hearing disabilities.

Article 108. Collection. Remuneration for private copying shall be collected on behalf of the entitled persons by one or more approved collective management societies.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

SENEGAL

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LEGAL BASIS

LEVY ONLY

Title II. – Collective management

Article 122. Allocation for cultural purposes of a percentage of remuneration for private copying.
1. Collective management societies shall use 15 per cent of the sums obtained from remuneration for private copying for action to assist creation and promote live entertainment and for training schemes for rights owners.

2. The distribution of the corresponding sums, which shall not be to the benefit of only one single body, shall be subject to a vote at the society's general assembly, which shall decide on the basis of a two-thirds majority. In the absence of such majority, a further general assembly, convened specifically for that purpose, shall take a decision on the basis of a simple majority.

COLLECTION AND DISTRIBUTION SYSTEMS

Law no. 2008-09 of January 25, 2008 on Copyright and Related Rights

Part three – Provisions common to copyright and neighbouring rights
Title I. – Remuneration for private copying

Article 109. Distribution.
1. Remuneration for private copying shall be distributed among the entitled persons by the societies referred to in Article 108, depending on what private reproductions of each work, performance, phonogram or videogram have been made.

2. After deduction of the percentage referred to in Article 122, the remuneration shall be distributed equally among each of the three categories of authors, performers and producers.

LEGAL DEVELOPMENTS

Senegal is among the eight ECOWAS countries where the West African Economic and Monetary Union (WAEMU) has mandated the implementation of a Private Copying Remuneration through its directive, to be in place by September 2025.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

ALGERIA

46.626 M GDP: EUR 244.86 Bn

CONTACT INFORMATION

COUNTRY	Algeria
CURRENCY	DZD
NAME ORGANIZATION	ONDA
WEB SITE	www.onda.dz
E-MAIL	dg-onda@onda.dz

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Law
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	Yes
BENEFICIARIES	Author, performer or musician, producer, and producer of audio or audio-video recordings
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Manufacturer and importer of magnetic tapes or unused other mediums and recording devices ☑ Payment ☒ Disclosure of information on the type and quantity of levied products placed on the market on request. ☑ Reporting - parties must report the type and quantity of imported items ☒ Auditing
EXEMPTION	Export/professional use - Article 126
SOCIAL AND CULTURAL DEDUCTIONS	30%

RATE SETTING

Based on the selling price of unused media and arbitrary rates for devices. The Minister of Culture sets proportional and fixed rates by decision after consulting the National Bureau of Copyrights and Neighbouring Rights (ONDA) and representatives of payers (Art. 127). Tariffs consider type of medium or device and the selling price or arbitrated value. No empirical studies are necessary.

REFURBISHED DEVICES

Refurbished devices are not subject to levy.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

ALGERIA

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EXEMPTION AND REFUND

Exemption from levy payment obligation in case of professional use of professional recording equipment. Professional recording media/devices, media not containing protected works, and materials for disabled persons are all exempt from levies.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Collection is directly done by ONDA. Custom authorities will block merchandise until the importer shows the proof of payment given to him by ONDA.

HOW FREQUENTLY IS PAYMENT DUE?

At each operation of custom clearance

HOW DO YOU MONITOR THE MARKET?

Direct market analysis and customs database

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

ONDA

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No fixed percentage; law simply allows deduction of enforcement expenses before distribution.

FREQUENCY OF DISTRIBUTION

Once per year

WHICH RIGHTS HOLDERS ARE INCLUDED?

Author, performer or musician, producer, and producer of audio or audio-video recordings

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Market Analysis

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Through membership or mandate with ONDA

DISTRIBUTION KEYS SUBMITTED?

30% authors/composers
20% performers/musicians
20% producers
30% cultural promotion and heritage-protection fund

ALGERIA

SOCIAL AND CULTURAL FUNDS

There is a social and cultural deduction with the purpose of supporting the creation of intellectual works and safeguard Algeria's traditional heritage. The amount is fixed directly by law at 30 % of the total collections made by ONDA.

LEGAL BASIS

Ordinance No. 03-05 of 19 Joumada El Oula 1424 corresponding to July 19, 2003, on Copyright and Related Rights

EXCEPTION AND LEVY

Article 41: One copy of the work can be reproduced, translated, quoted or converted for personal or family purposes without prejudicing the provisions of Article 25 of this law. An exception of the provisions of the first clause herein is the reproduction of architectural works embodied in buildings or similar forms, the written reproduction of a whole book, the reproduction of a musical work in a written form, the reproduction of a database in a digital form and the reproduction of computer software other than the cases stipulated for in Article 52 herein.

LEVY ONLY

Article 125: Each manufacturer and importer of magnetic tapes or unused other mediums and recording devices shall pay for quantities of mediums and devices he offers to public a royalty called "special copy royalty", in return for the possibility he allows to the user of those means and devices to reproduce in his home works for special utilization in the form of audio or audiovideo recordings legally notified to the public.

Article 126: The mediums and devices prepared for professional recording of works, recording that does not include works and recording works to meet the needs of public institutions dedicated for handicapped people and their associations shall not be subject to the mentioned royalty in Article 125 above. However, this royalty shall be payable for all quantities to be offered in the market if the royalty payer has not determined the number of mediums and devices not subject to royalty payment in accordance with the cases provided for in the first paragraph herein.

COLLECTION AND DISTRIBUTION SYSTEMS

Article 127: The royalty shall be calculated on the special copy in proportion to the selling price for the unused mediums and arbitrarily calculated for reproduction devices. The Minister of Culture shall determine by a decision the proportional rates and arbitrary prices of the above-mentioned royalty after consultation with the National Bureau of Copyrights and Neighboring Rights or representatives of royalty payers. The royalty payer shall pay the above-mentioned royalty to the National Bureau of Copyrights and Neighboring Rights.

Article 128: The royalty payer on the special copy shall regularly inform the National Bureau of Copyrights and Neighboring Rights of the actual quantities of locally produced or imported mediums and devices directed towards the special use and indicate the general selling price to the public. The methods to implement this Article shall be determined by the regulation.

Article 129: The National Bureau of Copyrights and Neighboring Rights shall distribute the royalties received on the special copy after deducting enforcement expenses to beneficiaries according to the following installments:

- 30% for the author and composer
- 20% for the performer or musician
- 20% for the producer of audio or audio-video recordings
- 30% for the activity of promoting intellectual works creation and protecting traditional cultural heritage.

ALGERIA

LEGAL BASIS

ORGANIZATIONS

Article 127: The royalty shall be calculated on the special copy in proportion to the selling price for the unused mediums and arbitrarily calculated for reproduction devices.

The Minister of Culture shall determine by a decision the proportional rates and arbitrary prices of the above-mentioned royalty after consultation with the National Bureau of Copyrights and Neighboring Rights or representatives of royalty payers.

The royalty payer shall pay the above-mentioned royalty to the National Bureau of Copyrights and Neighboring Rights.

Implementation Decree 05/357 was not available.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

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BOTSWANA

2.72 M GDP: EUR 17.89 Bn

CONTACT INFORMATION

COUNTRY	Botswana
CURRENCY	BWP
NAME ORGANIZATION	COSBOTS
WEB SITE	www.cosbots.com
E-MAIL	info@cosbots.com

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	The National Copyright Office manages a fund for the development of authors and publishers where the sums collected as private copying.
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: No
TARIFFS	Tariffs are contained in the Copyright and Neighbouring Rights Act (amendment) Regulations 2022. They are charged as a percentage of a product's cost, and run between 1-2% depending on popularity, the product's value and the magnitude at which the product can copy or store copyright works.
BENEFICIARIES	Authors and publishers (via fund)
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Importers and local manufacturers of blank media and copying equipment. ☑ Payment ☒ Disclosure of information on the type and quantity of levied products placed on the market on request. ☒ Reporting - parties must report the type and quantity of imported items ☒ Auditing
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

The levy amount is prescribed by the Minister. The levy applies to blank carriers and equipment capable of copying protected materials.

REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

BOTSWANA

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EXEMPTION AND REFUND

Consumers/buyers are exempt from paying the levies for personal imports.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

The Botswana Unified Revenue Service (BURS) collects the remuneration at the point of manufacture or entry. After deducting their 6%, BURS remits the remainder to MFED.

HOW FREQUENTLY IS PAYMENT DUE?

At manufacture or entry.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

The National Copyright Office. The funds are distributed through open calls for funding.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

The Customs Office (BURS) keeps 6% of the collections as administrative costs.

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors and publishers (via fund).

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Approved by Copyright Office.

HOW DO RIGHTSHOLDERS CLAIM THEIR DISTRIBUTION?

The Committee invites the public to submit proposals for projects that could potentially develop the creative industry. The projects are selected in accordance with the guidelines.

SOCIAL AND CULTURAL FUNDS

There is no social or cultural deduction. The CMO in Botswana established a Social and Cultural Fund but the LTDF does not contribute to it and has not set up an independent one.

BOTSWANA

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LEGAL BASIS

EXCEPTION AND LEVY

Copyright & Neighboring Rights Act, 2000 (Act No. 6 of 2006)

Part III - Exceptions to Exclusive Right to Copyright

12. Exceptions to exclusive right to copyright Notwithstanding the provisions of section 7, the following dealings with a work shall be permitted without the authorisation of the author or other owner of the copyright-

(i) private reproduction for personal purposes, subject to section 13;

13. Private reproduction for personal purposes

(1) Subject to subsection

(2), the private reproduction of a published work in a single copy shall be permitted without the authorization of the author or owner of copyright, where the reproduction is made by any person exclusively for his own personal purposes.

(2) The permission granted under subsection:

(1) shall not extend to reproduction-

(a) of a work of architecture in the form of building or other construction;
(b) in the form of reprography of the whole or a substantial part of a book or of a musical work in the form of notation;
(c) of the whole or a substantial part of a data base;
(d) of a computer, except as provided in section 17; and
(e) of any work in cases where reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or other owner of the copyright".

LEVY ONLY

Copyright & Neighboring Rights Act, 2000 (Act No. 6 of 2006)

Part VI - General Provisions

35G. Levy on technical devices (1) There shall be imposed on all imported and locally manufactured blank sound and audio visual carriers, compact discs and equipment capable of being used to copy protected materials, a levy of such sum as may be prescribed by the Minister. (2) The levy shall be collected by the Department of Customs and Excise and shall be deposited in a fund to be established by the Minister of Finance and Development Planning for the development of authors and publishers of works".

Copyright & Neighboring Rights Regulations, 2007, art. 8 and Fourth Schedule 8. Levy on technical devices.

The levy imposed on all imported and locally manufactured blank sound and audiovisual carriers and equipment in accordance with Section 35G of the Act shall be as set out in Fourth Schedule.

COLLECTION AND DISTRIBUTION SYSTEMS

Functions of the Copyright Office.

The Copyright Office shall:

(j) administer the fund established under section 35G (2). "35.G(2) The levy shall be collected by the Department of Customs and Excise and shall be deposited in a fund to be established by the Minister of Finance and Development Planning for the development of authors and publishers of works".

BOTSWANA

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff
Smartphones	2 % (all capacities)
Tablets	2 % (all capacities + iPad)
External HD	2 % (all capacities)
SD and Micro SD memory cards	2 % (all capacities)
USB Sticks	1 % (all capacities)
Set top BOX with hard drive	2 % (all capacities)
Reprographic devices (i.e., devices for text and image copying only)	2 % (Photocopier/Printer/Scanner/Multi-function machines)
MP3 player	1 %
Mp4 player	1 %
Audio cassette	2 %
Video cassette	2 %
Compact Disc (CD) (unrecorded)	1 %
Digital Versatile Disc (DVD) (unrecorded)	1 %
Other phones (non-smart)	1 %
Computer (Desktop)	1 %
CD writer	1 %
Facsimile	2 %
Modulator	1 %
iPod	1 %
Camcorder	2 %
Digital camera	2 %
Photographic camera	2 %
Television camera	2 %
Television	2 %
Cinematographic camera	2 %
Cinematographic projector	2 %
Laptop	2 %
Video recording or reproducing apparatus (incl. video tuner)	2 %
Sound recording or reproducing apparatus	2 %
Television decoder / Set-top box	2 %
Drone	2 %
CCTV camera	2 %

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

BURKINA FASO

23.844 M **GDP: EUR 22.16 Bn**

CONTACT INFORMATION

COUNTRY	Burkina Faso
CURRENCY	XOF
NAME ORGANIZATION	BBDA
WEB SITE	www.bbda.bf

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	BBDA
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	General Scheme: the tariff is 10% of the import (CIF) value of each recording medium or device Reprographic Devices: the tariff is 30 000–60 000 FCFA per device per year, plus 0.25% of the import (CIF) value of reprographic supports and equipment (Decree 2020-076, Art. 4)
BENEFICIARIES	General Scheme: Authors, publishers, performers, and producers of phonograms and videograms Reprographic Devices: Authors and publishers of printed works
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Private Copying: The manufacturer or importer of recording media or recording devices must pay the levy at the time of circulation in Burkina Faso. Reprography: Persons (physical or legal) who make reprographic equipment available are liable; collection also applies to importers of copying equipment. ☑ Payment ☒ Disclosure of information on the type and quantity of levied products placed on the market on request. ☑ Reporting - parties must report the type and quantity of imported items ☒ Auditing
EXEMPTION	Export/Professional use
SOCIAL AND CULTURAL DEDUCTIONS	Yes

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

General Scheme: Fixed rate: 10% of the CAF value of each recording support/device.

Reprographic Devices: Flat annual fee of 30 000 – 60 000 FCFA per device depending on reproduction capacity, plus 0.25% of CAF value on reprographic equipment and media.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

BURKINA FASO

2/5

RATE SETTING

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

General Scheme: Type of support, recording duration or storage capacity

EXEMPTION AND REFUND

There is an exemption in case of export as well as an exemption from the levy payment obligation in case of private copying for professional use. Visually or hearing-impaired users may benefit from the exemption from paying levies for private copying via their institutions.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Customs Service collects the levy on imports for both regimes and remits it to BBDA.

HOW FREQUENTLY IS PAYMENT DUE?

Customs must transfer funds to BBDA by the 5th day of each month.

HOW DO YOU MONITOR THE MARKET?

Customs authorities are the primary enforcement and monitoring body (Arts. 3 Decree 2020-076; Art. 1 Decree 2020-0764).

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Under General and Reprographic Schemes: BBDA

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

Under General and Reprographic Schemes: The Customs may retain 10% for operational costs.

WHICH RIGHTSHOLDERS ARE INCLUDED?

General Scheme: Authors, performers, producers.

Reprographic Devices: Authors, publishers.

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

General Scheme: 1/3 authors, 1/3 performers, 1/3 producers; once deducted 35% allocated to cultural fund.

Reprographic Devices: Reprography: 1/3 authors, 1/3 publishers, 1/3 to cultural fund.

HOW DO RIGHTSHOLDERS CLAIM THEIR DISTRIBUTION?

Under General and Reprographic Schemes: Rightsholders claim through BBDA.

BURKINA FASO

SOCIAL AND CULTURAL FUNDS

Both private copying and reprography remunerations in Burkina Faso include a social and cultural deduction paid to the Cultural Promotion Fund. For private copying, general scheme 35% of the total amount collected is allocated to this fund, and for reprography, the remuneration is divided equally between authors, publishers, and the Cultural Promotion Fund. The deduction supports cultural, educational, and social programmes benefiting the country's creative sector.

LEGAL BASIS

EXCEPTION AND LEVY

Law No. 048-2019/AN on the Protection of Literary and Artistic Property, Burkina Faso

General Scheme:

Article 85: Notwithstanding the provisions of Articles 77 to 82 of this Act, the following acts are permitted without the authorisation of the rightholders mentioned in those Articles:

reproductions strictly reserved for the private use of the person making them;

(...)

Article 87: Authors and performers of works fixed on phonograms or videograms or audiovisual fixations, as well as the producers of such phonograms or videograms, shall be entitled to remuneration for the reproduction of such works for strictly personal and private use and not for collective use.

Remuneration for private copying shall be collected on behalf of the rightholders by the professional collective management organisation, which shall, after deducting management costs, allocate thirty-five per cent of the sums collected to a cultural promotion fund managed by the collective management organisation. The remainder shall be redistributed as follows:

- in the case of private copies of phonograms, the remuneration shall be divided equally between the authors, performers and producers;
- in the case of private copies of videograms or audiovisual fixations, the remuneration shall be divided equally between the authors, performers and producers.

Article 88: Remuneration for private copying shall be paid by the manufacturer or importer of recording media that can be used for the private reproduction of works fixed on phonograms or videograms or audiovisual fixations, when such media are put into circulation in Burkina Faso.

However, persons or institutions listed in a decree issued by the Minister of Culture may, under certain conditions, be exempted from paying remuneration for private copying in the following cases:

- when the recording media are acquired for professional use by the production and publishing industries;
- when the recording media are acquired for the purpose of assisting the visually or hearing impaired.

Article 89: The amount of remuneration shall depend on the type of media and the recording time or storage capacity it allows. It shall be assessed on a flat-rate basis.

The types of media, the rates of remuneration and the terms of payment of this remuneration shall be determined by regulation, but shall not be less than ten per cent of the price of the media.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

BURKINA FASO

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LEGAL BASIS

EXCEPTION AND LEVY

Reprographic Devices:

Article 90: Authors of printed works and publishers of such works are entitled to remuneration for reproduction for strictly personal and private use.

The remuneration provided for in this article shall be paid by the manufacturer or importer of devices that can be used for the private reproduction of a printed work when such devices are placed on the market in Burkina Faso.

The types of devices subject to remuneration and the rate of such remuneration, as well as the terms of payment, shall be determined by regulation.

The remuneration provided for in this article shall be collected on behalf of the rights holders or their successors in title by the collective management organisation. It shall be distributed in equal shares to authors, publishers and the cultural promotion fund provided for in Article 87 above.

Article 91: Authors of printed works and publishers of such works shall be entitled to remuneration for the reproduction of such works by means of reprography.

The types of equipment subject to remuneration and the rate of such remuneration, as well as the terms of payment, shall be determined by regulation.

The remuneration provided for in this article shall be collected by the collective management organisation. It shall be distributed equally among authors, publishers and the cultural promotion fund provided for in Article 87 above.

LEVY ONLY

General Scheme:

Decree No. 2020-0764/PRES/PM/MCAT/MINEFID on the Collection of the Remuneration for Reproductions for Private Copy.

Article 1: Pursuant to Articles 87 and 90 of Law No. 048-2019/AN of 12 November 2019 on the protection of literary and artistic property, the Customs Service is authorised to collect private copying remuneration on behalf of the Burkinabe Copyright Office when recording media and any equipment or devices equipped with a recording device are imported into Burkina Faso.

Article 2: Under the terms of Article 87 of the above-mentioned law, the rate of collection for private copying remuneration is set at ten per cent (10%) of the CIF value of the recording medium, regardless of type, or of the equipment or device equipped with a recording device.

Reprographic Devices:

Decree No. 2020-0765/PRES/PM/MCAT/MINEFID/MENAPLN/MESRSI on the Collection of the Remuneration for the Reproduction of Works of Art Fixed in a Graphic or Similar Medium.

Article 1: Pursuant to Articles 18 and 91 of Law No. 048~2019/AN of 12 November 2019 on the protection of literary and artistic property, authors and publishers of works fixed on a graphic or similar medium are entitled to remuneration for the reproduction of such works by reprography, except in the cases provided for in Articles 25 and 27 of the same law.

Article 2: Remuneration for the reprography of works includes royalties collected for the reproduction by reprography of protected works and royalties collected on media and devices enabling the copying of such works, when these are imported into Burkina Faso.

Article 4: The royalty for the reprography of works shall be between thirty thousand (30,000) CFA francs and sixty thousand (60,000) CFA

BURKINA FASO

LEGAL BASIS

LEVY ONLY

francs per device per year, depending on the reproduction capacity of the equipment, with the persons liable for payment being the natural or legal persons who make the equipment available for copying.

The rate of remuneration levied on media and devices used for the reproduction of works is set at 0.2% of the CIF value of the media or device, regardless of type.

COLLECTION AND DISTRIBUTION SYSTEMS

General Scheme:

Article 3: The Customs Service is authorised to deduct ten per cent (10%) of the amount recovered to cover the operating costs of its services. This amount shall be deducted from the levy authorised under Article 87 of Law No. 048-2019/AN of 12 November 2019 for the management costs of the Burkinabe Copyright Office.

Article 4: The remuneration received by the Customs Service, less the authorised levy, shall be paid to the Burkinabe Copyright Office by the fifth (05th) day of each month at the latest.

Reprographic Devices:

Article 3: The Customs Service is authorised to collect remuneration for the reproduction of works fixed on a graphic or similar medium, on behalf of the Burkinabe Copyright Office, upon importation of the medium or device enabling the copying of protected works into Burkina Faso. In other cases, this remuneration shall be collected by duly authorised agents of the Burkinabe Copyright Office.

Article 6: The remuneration collected by the Customs Service, less the authorised levy, shall be paid to the Burkinabe Copyright Office by the fifth (05th) day of each month at the latest.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

D

CABO VERDE

0.512 M GDP: EUR 2.52 Bn

CONTACT INFORMATION

COUNTRY	Cabo Verde
CURRENCY	CVE
NAME ORGANIZATION	SCM-COOPERATIVA
WEB SITE	http://www.scm.cv/

OVERVIEW

EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: No
TARIFFS	The only criteria are for equipment and media 10% of the CIF (Cost+shipping+Insurance). For internet consumption 0.5% of the invoice to each consumer.
BENEFICIARIES	Authors, performers, and producers of phonograms/videograms
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Importers and Consumers of internet services. ☑ Payment ☒ Disclosure of information on the type and quantity of levied products placed on the market on request. ☒ Reporting - parties must report the type and quantity of imported items ☒ Auditing
EXEMPTION	Export/professional use for limited cases
SOCIAL AND CULTURAL DEDUCTIONS	Yes

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

Levies/remuneration are determined on a basis of percentuals, based on CIF import value (customs valuation) - 10% of CIF value of imports of covered devices/media and based on consumer invoice value (for internet) - 0.5% of consumer bills for internet access.

REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

CABO VERDE

2/4

EXEMPTION AND REFUND

There are exemptions from the levy payment obligation in case of professional use of devices acquired for document/data management systems (not involving private use) or for institutions with specific public missions (justice, defence, etc.). There are also some consumers or buyers that are exempt from paying the levies. Further, computer programs and databases are entirely excluded from levies, as are certain digital fixation/reproduction devices.
If you fit into a category of article 7 of the law decree (subjective exemptions) and can present supporting evidence of that, you can get an exemption upfront. With regards to objective exemptions (products exempt), the list is exhaustive and does not cover all possible apparatus and media.

COLLECTION PROCESS

HOW IS THE COLLECTION ORGANISED?

The Collection is managed by the customs Direction for products and media and by ISPs with regards to internet consumption.

HOW FREQUENTLY IS PAYMENT DUE?

Annually

HOW DO YOU MONITOR THE MARKET?

Via reports

ARE EXPORTS EXEMPTED?

Yes

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

The Compensation fees are transferred quarterly by collecting entities to the Autonomous Fund for Supporting Culture and Creative Industries, which is responsible for apportioning the revenue to the GD of Budget Planning and Management of the Ministry of Culture and Creative Industries.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

FREQUENCY OF DISTRIBUTION

Annually

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, performers, and producers of phonograms/videograms

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

20% for the Autonomous Fund to Support Culture and Creative Industries
50% for Authors and Related Rights Collective Management Societies
30% for financing the Cinema Law and the entity responsible for managing the cinematographic and audio-visual sector

CABO VERDE

DISTRIBUTION PROCESS

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Collecting societies must distribute the royalties to their rightsholders according to the distribution rules approved by their General Assemblies.

DISTRIBUTION KEYS SUBMITTED?

50% to CMOs
30% to FAAC (the Autonomus Fund for Cultural Support)
20% to phonogram and videogram producers

SOCIAL AND CULTURAL FUNDS

There is a social and cultural fund with the purpose of, amongst others, carrying out social activities, training, promotion of works, and incentives for cultural and artistic creation. The deduction is 30 % of the total revenue allocated to FAAC, subdivided as follows:

- 40% Fundo de Garantia (Banco de Cultura).
- 20% non-commercial cultural activities.
- 30% sustainability of FAAC.
- 10% social mutualist fund for artists

LEGAL BASIS

EXCEPTION AND LEVY

Decree-Law No. 1/2009 of April 27, 2009, on the Revision of Copyright Law

Article 62 Unrestricted use

1. The following embodiments of works already lawfully published or disclosed shall be lawful, irrespective of authorization of the respective author and without any need for compensation, as long as the authenticity and integrity of the title and the name of the author are mentioned and respected:

(l) reproduction, translation, adaptation, arrangement, or any other alteration exclusively for individual and private use.

Article 63 Reproduction for private use

The provisions of the preceding article relating to reproduction exclusively for private use shall not apply to:

(a) reproduction of architectural works consisting of buildings or other similar constructions;
(b) reprographic reproduction of works of three¬dimensional arts of limited printruns, the graphic presentation of musical works (scores), exercise manuals and other publications as long as people use them only once;
(c) reproduction of all or significant parts of databases;
(d) reproduction of computer programs, except in the cases provided for in Article 64;
(e) any other reproduction of a work which damages its normal exploitation or causes unjustified prejudice to the legitimate interests of the author.

CABO VERDE

LEGAL BASIS

LEVY ONLY

Article 73 Compensation for reproduction or recording of works

1. The reproduction of an audiovisual work, lawfully published, or a sound recording of a work, without authorization from the author, but in return for fair remuneration, shall be permitted exclusively for private use by the user.

2. Fair remuneration for reproduction for private use, in the cases set out in the preceding paragraph, shall be paid by the importers and sellers of apparatus and material carriers used for this reproduction or recording obtained by any of these methods, and shall be received and distributed by the organization for collective management of copyright.

3. In the absence of agreement between the representatives of the importers and the sellers on the one hand, and the organization for the collective management of copyright on the other, the amount of the fair remuneration and the conditions for payment thereof shall be set in regulatory terms.

4. The distribution of the fair remuneration to be paid to authors, performers, and producers of phonograms and videograms, must be carried out between these three groups of rights holders, under regulatory terms.

5. The apparatus and material carriers referred in paragraph 2 shall be exempt from payment of fair remuneration if:

(a) they are intended for reexport;
(b) they cannot normally be used for the reproduction of works for private use

Law Decree 118/VIII/2016

Article 2 1.
Regarding the importation of machines and apparatus listed in the table attached to this Law, which is an integral part thereof, which allow the fixation of works as a single or main purpose, as well as any and all virgin analog material supports of the fixings and reproductions that can be obtained by any of these means, a Compensation Rate is set as a contribution to Culture, based on the CIF value (Cost + Shipping + Insurance).

COLLECTION AND DISTRIBUTION SYSTEMS

Law Decree 118/VIII/2016

Article 9 - Collection The Compensation Fee is charged by the General Directorate of Customs, on importers and internet service providers.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

CAMEROON

29.315 M **GDP: EUR 48.79 Bn**

CONTACT INFORMATION

COUNTRY	Cameroon	
CURRENCY	XAF	
NAME ORGANIZATION	CMC	SOCILADRA
WEB SITE	-	https://www.sociladra.cm/
E-MAIL	-	contact@sociladra.cm

OVERVIEW

EXCEPTION	Yes
LEVY	Equipment: No Media: Yes Cloud Storage: No NPvR: No Reprography: Yes
TARIFFS	For Reprography: Remuneration for private copying of printed works shall be five per cent (5%) of the sale price of the reproduction equipment.
BENEFICIARIES	Authors, publishers, performers, phonogram and audiovisual producers
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Manufacturers, importers ☑ Payment ☒ Disclosure - must provide information on the type and quantity of levied products placed on the market on request ☑ Reporting - must report the type and quantity of imported items ☒ Auditing
EXEMPTION	No
SOCIAL AND CULTURAL DEDUCTIONS	1/3 Remuneration for private copying of phonograms or videograms shall be shared equally by the authors, the performers, the producers and the cultural policy support fund. 1/3 of the Remuneration for private copying of Literary works shall be shared equally by authors, publishers and the cultural policy support fund.

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

General Scheme: Order of the Minister of Culture

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

CAMEROON

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REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

EXEMPTION AND REFUND

There are no exemptions.

COLLECTION PROCESS

HOW IS THE COLLECTION ORGANISED?

The fee is collected on behalf of the legal representatives by the competent CMO.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

General Scheme: CMC
Reprographic Devices: SOCILADRA

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

General Scheme: N/A
Reprographic Devices: Yes

FREQUENCY OF DISTRIBUTION

General Scheme: N/A
Reprographic Devices: Quarterly

WHICH RIGHTSHOLDERS ARE INCLUDED?

Under General and Reprographic Schemes: Authors and publishers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

General Scheme: N/A
Reprographic Devices: By the Statutes of the CMO

HOW DO RIGHTSHOLDERS CLAIM THEIR DISTRIBUTION?

General Scheme: N/A
Reprographic Devices: Through distribution vouchers from the CMO.

SOCIAL AND CULTURAL FUNDS

There is a deduction. Proceeds from private copying of printed works shall be shared equally among the authors, the publishers and the cultural policy support fund.

CAMEROON

LEGAL BASIS

EXCEPTION AND LEVY

Art. 29 of Law No. 2000/011 of December 19, 2000 on Copyright and Neighbouring Rights

General Scheme:

Where the work was published with the authorization of the author, he may not forbid: (…) (c) reproductions and transformations in one copy for strictly personal and private use of the person who makes them, excluding any collective use or any exploitation for profit, except in the cases provided for in subsections (2) and (3) below;

LEVY ONLY

Art. 69 to 74 of Law No. 2000/011 of December 19, 2000 on Copyright and Neighbouring Rights

General Scheme:

Where the work was published with the authorization of the author, he may not forbid: (…) (c) reproductions and transformations in one copy for strictly personal and private use of the person who makes them, excluding any collective use or any exploitation for profit, except in the cases provided for in subsections (2) and (3) below;

Art. 69
The authors and performers of works and recordings fixed on phonograms or videograms as well as producers of these phonograms or videograms shall be entitled to remuneration in respect of reproductions for strictly personal and private use.

Art. 70
(1) The remuneration provided for in Section 69 shall be paid by the manufacturer or importer of recording media employed for the reproduction for private use of works or recordings fixed on phonograms or videograms upon the circulation of such recording in Cameroon.
(2) The amount of the remuneration shall be fixed according to the type of medium and the length of recording possible.

Art. 71
(1) The types of medium as well as the amount of the remuneration and the conditions of payment shall be determined by regulation.
(2) The remuneration provided for in this chapter shall be collected on behalf of the legal representatives by the competent collective management body. (3) Remuneration for private copying of phonograms or videograms shall be shared equally by the authors, the performers, the producers and the cultural policy support fund provided for in Section 5(4) above.
Chapter II Remuneration for Private Copying of Printed Works.

Reprographic Devices:

Art. 72
The authors and publishers of printed works shall be entitled to remuneration in respect of the reproduction for strictly personal and private use.

Art. 73
The remuneration provided for in this chapter shall be paid by the manufacturer or the importer of machines and used for the reproduction for private use of a printed work, when such machines are put in circulation in Cameroon.

Art. 74
(1) The types of machines subject to a fee and the amount of such fee, as well as the conditions of payment shall be determined by regulation.
(2) The fee provided for in this chapter shall be collected on behalf of the legal representatives by the competent collective management body.
(3) Proceeds from private copying of printed works shall be shared equally among the authors, the publishers and the cultural policy support fund provided for in Section 5(4) above.

CAMEROON

LEGAL BASIS

LEVY ONLY

Art. 13 to 15 of Decree No. 2001/956/PM of November 1, 2001 implementing Law No. 2000/11 of December 19, 2000 on Copyright and Neighboring Rights

General Scheme:

Art. 13
Remuneration for private copying of phonograms and videograms shall be determined by order of the Minister of Culture.

Art. 14
The length of a recording, in the absence of proof to the contrary, shall be declared by the manufacturer or importer.

Art. 15
Remuneration shall apply to the blank recording media referred to in Article 70 of the aforementioned Law.

Art. 16 to 17 of Decree No. 2001/956/PM of November 1, 2001 implementing Law No. 2000/11 of December 19, 2000 on Copyright and Neighboring Rights

Reprographic Devices:

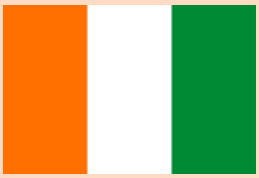
Art. 16
Remuneration for private copying of printed works shall be five per cent (5%) of the sale price of the reproduction equipment.

Art. 17
Any equipment for the reproduction of printed works shall be subject to the remuneration referred to in Article 16 above.

COLLECTION AND DISTRIBUTION SYSTEMS

Art. 74
(…)

(2) The fee provided for in this chapter shall be collected on behalf of the legal representatives by the competent collective management body.
(3) Proceeds from private copying of printed works shall be shared equally among the authors, the publishers and the cultural policy support fund provided for in Section 5(4) above.



CÔTE D'IVOIRE

31.983 M **GDP: EUR 80.5 Bn**

CONTACT INFORMATION

COUNTRY	Côte d'Ivoire
CURRENCY	XOF
NAME ORGANISATION	BURIDA
WEB SITE	www.buridaci.com
E-MAIL	info@buridaci.com

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	BURIDA
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Reprography: Yes
TARIFFS	Côte d'Ivoire applies a flat rate of 3% of CIF (imports) or ex-factory value (local manufacture) on all blank media and devices capable of reproducing phonograms or videograms. Reprographic devices such as photocopiers, printers, scanners, faxes, duplicators, and multifunction machines are subject to a 4% levy on their CIF value if imported or 4% of their ex-factory price if locally manufactured.
BENEFICIARIES	Authors, performers, phonogram/videogram producers and publishers
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Importers and manufacturers of blank media and devices ☑ Payment ☑ Disclosure of information on the type and quantity of levied products placed on the market on request. ☑ Reporting - parties must report the type and quantity of imported items ☑ Auditing
EXEMPTION	Export/Professional use
SOCIAL AND CULTURAL DEDUCTIONS	Yes

CÔTE D'IVOIRE

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

General Scheme: Fixed by decree at 3% of CIF value for imports or 3% of ex-factory price for local goods.

Reprographic Devices: Based on reprographic acts and on the manufacture/importation of reprographic tools and systems [Law 2016-555, Art. 106].

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

General Scheme: Type of medium/device and its declared customs (CIF) or ex-factory value.

Reprographic Devices: Type of reprographic system, its reproduction capacity, and declared value [Decree 2021-633, Arts. 3–5].

REFURBISHED DEVICES

Refurbished devices are not subject to PC Levy.

EXEMPTION AND REFUND

Are exempted from the levy payment obligation:
1—Professional use: Audiovisual, broadcasting, and production companies may claim reimbursement [Law 2016, Art. 104].
Professional press and audiovisual operators may obtain reimbursement after declaration.
2- institutions for people with disabilities [Law 2016, Art. 104].

COLLECTION PROCESS

HOW IS THE COLLECTION ORGANISED?

BURIDA collects directly. Importers and manufacturers must file declarations on official forms provided by the CMO, and BURIDA may request additional supporting documents.
Payment is due at customs clearance for imports or before locally produced goods are marketed.

HOW DO YOU MONITOR THE MARKET?

Through mandatory declarations, quarterly reports and inspections by sworn officers of the CMO

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

In Côte d'Ivoire, collaboration with Customs is ensured through a clearance condition: imported goods subject to the private copying levy cannot be released by Customs unless the importer presents proof of declaration and payment to BURIDA.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Under General and Reprographic Schemes: BURIDA

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/ DISTRIBUTING PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN, AS DETERMINED BY LAW?

Under General and Reprographic Schemes: 15% of the total collected

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

CÔTE D'IVOIRE

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DISTRIBUTION PROCESS

WHICH RIGHTSHOLDERS ARE INCLUDED?

General Scheme: Authors, performers, phonogram and videogram producers [Decree 2021, Art. 14]

Reprographic Devices: Authors and publishers [Law 2016, Arts. 107–108]

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

General Scheme: Fixed by decree — 75% net distributed to authors, performers, producers after deductions [Decree 2021, Art. 14]

Reprographic Devices: Authors and publishers [Law 2016, Arts. 107–108]

HOW DO RIGHTSHOLDERS CLAIM THEIR DISTRIBUTION?

Under General and Reprographic Schemes: By membership or mandate through BURIDA

DISTRIBUTION KEYS SUBMITTED?

General Scheme: 15% admin, 5% special fund, 5% FSCCA, 75% rightsholders

Reprographic Devices: 15% admin, 5% Special Fund, 5% FSCCA, 75% to rightsholders, divided 50% authors / 50% publishers [Decree 2021-633, Art. 16]

SOCIAL AND CULTURAL FUNDS

Deductions are made from the private copying levy for a Special Fund and for the Cultural and Artistic Creation Support Fund (FSCCA) [Law 2016-555, Art. 103; Decree 2021-632, Art. 14].

The law sets a maximum of 25% for all deductions combined (management costs + funds) [Law 2016, Art. 103].

The decree fixes the distribution: 15% management costs, 5% Special Fund, 5% FSCCA, leaving 75% for rightsholders [Decree 2021, Art. 14, Decree 2021-633, Art. 16].

The Special Fund provides support for authors and performers facing difficulties. The FSCCA finances broader cultural policy, promoting artistic creation and cultural development in Côte d'Ivoire.

LEGAL BASIS[1]

[1] Free translation

EXCEPTION AND LEVY

General Scheme:

Law 2016-555

Art. 101. -The author and performer of works recorded on phonograms or videograms, or in audiovisual recordings, as well as the producer of such phonograms, videograms or audiovisual recordings, shall be entitled to remuneration known as private copying remuneration for the reproduction of works intended for strictly personal and private use and not intended for collective use of such phonograms, videogram or audiovisual fixation made under the conditions mentioned in Articles 24, 25, 26, 27, 28, 29, 30, 32, 33, 34 and 90 of this law. Remuneration for private copying shall, under the conditions defined below, be assessed on a flat-rate basis.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

CÔTE D'IVOIRE

4/6

LEGAL BASIS[1]

[1] Free translation

EXCEPTION AND LEVY

Reprographic Devices:

Law 2016-555

Title III, Chapter V – Reprographic remuneration
Art. 105.- The authors of printed, graphic and plastic works and the publishers of said works are entitled to remuneration for reproduction by reprography. The management of the right of reproduction by reprography, as defined by this law, is entrusted exclusively to an authorised collective management organisation.

Decree No. 2021-633

Article 1.- The purpose of this decree is to determine the acts, types of tools and systems of reproduction by reprography and to set the rate and terms of payment of remuneration for reproduction by reprography.

Art. 2 -The list of acts, types of reprographic reproduction tools and systems, as well as the rate of remuneration and the amount of unit remuneration per type of reproduction act, category of operators, and tools and systems are appended to this decree.

Acts relating to the complete reproduction of a book are prohibited. The rate of authorised partial reproduction of a book is capped at twenty per cent. However, if a book is unavailable on the market for a period of at least twenty-four months, the rate of authorised reproduction may reach twenty per cent.

LEVY ONLY

General Scheme:

Decree 2021-632

Art. 5. - Remuneration for private copying is calculated as follows:

- for analogue or digital recording media, three per cent of the CIF value declared at customs for imported products, and three per cent of the ex-works price excluding tax for locally produced goods. In the absence of information on the CIF value declared at customs or the ex-works price excluding tax, the remuneration shall be based on the CIF value or the ex-works price excluding tax of similar media;
- for equipment and devices dedicated to the recording of sound and images, copying, engraving and duplication of phonogram or videogram media, three per cent of the CAF value declared at customs for imported products and three per cent of the ex-works price excluding tax for locally produced goods. In the absence of information on the CAF value declared at customs or the ex-works price excluding tax, the remuneration shall be based on the CIF value or the ex-works price excluding tax of similar equipment or devices.

Reprographic Devices:

Law 2016-555

Art. 106. - The remuneration referred to in Article 105 of this Act is based on:

- acts of reproduction by reprography;
- the manufacture or importation of tools and systems intended for or designed to produce reproductions by reprography.

The list of acts, the types of tools and systems, the rate of remuneration and the terms of payment of such remuneration shall be determined by decree of the Council of Ministers.

Decree No. 2021-633

Art. 6.- Is subject to the payment of remuneration for reproduction by reprography any natural or legal person :

- who offers the public a reproduction service by reprography as provided for in 1 · annex to this decree: -who manufactures locally or imports into Côte d'Ivoire tools and systems annexed to this decree.

CÔTE D'IVOIRE

LEVY ONLY

Art. 7. - Any natural or legal person offering the public a reprographic reproduction service is required to apply in advance to the competent collective copyright management organisation for authorisation setting out, in particular, the conditions for remuneration for acts of reprographic reproduction.

Art. 8.- Any natural or legal person manufacturing or importing into Côte d'Ivoire the tools and systems referred to in the annex to this decree is required to declare them and pay the remuneration for reproduction by reprography on the following dates:

- for manufacturers, no later than the date of release of the tools and systems from stock.

To this end, stock records shall be drawn up and sent by the parties liable for payment to the competent collective copyright management organisation:

- for importers, no later than the date of customs clearance of the tools and systems.

COLLECTION AND DISTRIBUTION SYSTEMS

General Scheme:

Law 2016-555

Art. 103. - The remuneration provided for in Article 101 of this Act shall be paid on behalf of the beneficiaries by an authorised collective management organisation.

It shall be distributed among the persons referred to in Article 101 of this Act after deduction of the levies intended to cover management costs and to contribute to the special fund provided for in Article 127 below and to the fund for the support of culture and artistic creation. The total amount of the deductions referred to above may not exceed twenty-five per cent of the total amount of remuneration for private copying. The terms and conditions for distribution among rights holders and the rate of each levy shall be determined by regulation.
Subject to international agreements, the right to remuneration for private copying shall be distributed among authors, performers and producers of phonograms and videograms fixed for the first time in Côte d'Ivoire.

Decree 2021-632

Art. 9. - Remuneration for private copying due in respect of recording media, equipment or devices imported shall be collected directly by the body responsible for the collective management of copyright or related rights.
Remuneration for private copying due in respect of recording media, equipment or devices manufactured locally shall be collected directly by the body responsible for the collective management of copyright or related rights.

Reprographic Devices:

Law 2016-555

Art. 107. The remuneration provided for in Article 105 of this Act shall be paid on behalf of the beneficiaries by the authorised collective management organisation. It shall be distributed among the persons mentioned in Article 105 of this Act after deduction of the levies intended to cover management costs and to contribute to the special fund provided for in Article 127 below and to the fund for the support of culture and artistic creation. The total amount of the deductions referred to above may not exceed twenty-five per cent of the total amount of remuneration for reproduction by reprography. The terms of distribution between the rights holders and the rate of each levy shall be determined by regulation. Subject to international agreements, the right to remuneration recognised in this section shall be distributed between the authors of printed, graphic and plastic works and the publishers of such works published in Côte d'Ivoire.

CÔTE D'IVOIRE

COLLECTION AND DISTRIBUTION SYSTEMS

Reprographic Devices:

Decree No. 2021-633

Art. 10 . - Remuneration for reproduction by reprography based on the types of tools or systems imported or manufactured locally is collected directly by the competent collective copyright management organisation. Art. 11.-The declaration shall be made on forms made available to the importer or manufacturer by the competent collective copyright management organisation. If necessary, this organisation may require the production of other documents in addition to the above-mentioned declaration.

Art. 12. - The types of reprographic reproduction tools and systems subject to remuneration for reprographic reproduction may only be cleared through customs if the importer can prove that they have made the declarations and payments in accordance with Articles 8, 9 and 10 of this decree to the competent collective copyright management organisation.
Proof must be provided by submitting to the customs authorities a copy of the declaration duly endorsed by the competent collective copyright management organisation and the receipt of payment.

COMMENTS

No detailed information has been received on tariff setting and total revenues.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

GHANA

34.427 M GDP: EUR 76.56 Bn

CONTACT INFORMATION

COUNTRY	Ghana
CURRENCY	GHS
NAME ORGANIZATION	COPYGHANA
WEB SITE	www.copyghana.org.gh
E-MAIL	info@copyghana.org.gh

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Ministry of Justice & Attorney General
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	a) Fifteen percent (15%) of the cost, insurance and freight value of a device specified in paragraphs (a) to (j) of regulation 15. b) Five percent (5%) of the cost, insurance and freight value of a device specified in paragraphs k) to n) of regulation 15. See list of devices below.
BENEFICIARIES	Authors/Composers/Publishers/Performers/ Producers/Writers
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Manufacturers or importers. ☑ Payment ☒ Disclosure of information on the type and quantity of levied products placed on the market on request. ☑ Reporting - parties must report the type and quantity of imported items. ☑ Auditing
EXEMPTION	Export and professional use
SOCIAL AND CULTURAL DEDUCTIONS	10% of total collections

RATE SETTING

Reprographic levies are determined as a percentage rate on the Cost Insurance and Freight, based on assessment of devices for levying under two categories based on the value of CIF and flat rates are levied on each category. Category a-j as listed in the Copyright (Amendment) Regulations 2023, L.I 2469 applies 15% on CIF while categories k-h apply 5%. No frequent rate review, a review after 13 years has yet to be implemented.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

GHANA

2/6

REFURBISHED DEVICES

Refurbished devices are subject to levies if they are imported into the country. However, only importers are liable to pay. The law is not clear on whether refurbishing done in the country for local use could be classified as a manufacturing process attracting a levy.

EXEMPTION AND REFUND

There is an exemption in case of export. Institutions that represent persons with disability are exempt from paying the levies. Devices manufactured in the country for the purposes of export and devices which are used to duplicate locally produced works or foreign works licensed for duplication in the country are exempt from levies.

COLLECTION PROCESS

HOW IS THE COLLECTION ORGANISED?

Collection is legally organized by the Ghana Revenue Authority through its Customs Division.

HOW FREQUENTLY IS PAYMENT DUE?

Annually

HOW DO YOU MONITOR THE MARKET?

Through reports submitted by GRA

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

GRA administers the collection of the levy at the various ports of entry, shares data on the collection with before transferring payments. Four percent (4%) of collection by law is deducted upfront for GRA to cover the administrative cost of collection.

ARE EXPORTS EXEMPTED?

Yes

WHO IS CONSIDERED IMPORTER?

Traders who ship devices capable of copying or storing copyright works to Ghana for sale and use in the country.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Local CMOs

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

30% of total collection

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Six months after collection

FREQUENCY OF DISTRIBUTION

At least, once a year

GHANA

DISTRIBUTION PROCESS

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors/Composers/Publishers/Performers/ Producers/Writers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

As stipulated under the Copyright Regulations, 2010 (L.I. 1962)
Section 19.
(1) The Minister shall distribute the levies collected in furtherance of regulation 14 as follows:

(a) ten percent for cultural activities to be collectively administered by the collective administration societies;
(b) ten percent for the administrative purposes of collective societies;
(c) four percent to the Customs Excise and Preventive Service, and
(d) six percent to the Copyright Office.

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Paid either through designated bank accounts or through designated Mobile money accounts

DISTRIBUTION KEYS SUBMITTED?

The Minister shall distribute the remaining seventy percent equally among the various rights groups to be shared as follows:

(a) for holders of audio works rights,
  (i) twenty-eight percent to composers or publishers;
  (ii) twenty-one percent to producers; and
  (iii) twenty-one percent to performers;

(b) for holders of audiovisual works rights;
  (i) thirty-five percent to producers;
  (ii) twenty-one percent to performers, and
  (iii) fourteen percent to authors of audio visual works,

(c) for holders of literary works rights, forty-two percent to authors including visual authors, and twenty-eight percent to publishers.

SOCIAL AND CULTURAL FUNDS

There is a social and cultural deduction for the development and promotion of the creative industry, from which all industry players are entitled to benefit. It amounts to 10 % of total collections.

GHANA

LEGAL BASIS

EXCEPTION AND LEVY

Art 19 Act 690 (b) (c) (d) Copyright Act, 2005
Permitted use of work protected by copyright

19.
(1) The use of a literary or artistic work either in the original language or in translation shall not be an infringement of the right of the author in that work and · shall not require the consent of the owner of the copyright where the use involves the reproduction, translation, adaptation, arrangement or other transformation of the work for exclusive personal use of a person, if the user is an individual and the work has been made public,

(2) The permission under subsection (1)(a) shall not extend to reproduction:

(a) of a work of architecture in the form of building or other construction;
(b) in the form of reprography of a whole or of a substantial part of a musical work in the form of notation;
(c) of the whole or of a substantial part of a database in digital form; and
(d) of a computer program, except as provided in section 16.

LEVY ONLY

Levy on devices used for reproducing copyright materials 27.

(1) There shall be imposed on any device capable of being used to copy a copyright work a levy of a sum that shall be prescribed in Regulations made by the Minister in consultation with the Minister responsible for Finance.

(2) The levy shall be collected by the Customs, Excise and Preventive Service at the time of importation or production.

(3) The provisions of the Customs, Excise and Preventive Service (Management) Law, 1993 (P.N.D.C.L. 330) as variously amended shall apply for the purpose of the collection of the levy.

(4) The levy shall upon collection by the Customs, Excise and Preventive Service be deposited in a fund established for the rightholders by the Minister.

(5) The fund shall be subject to an annual audit by the Auditor-General or an auditor appointed by the Auditor-General.

(6) The Auditor-General or an auditor appointed by the Auditor-General shall submit the audit report to the Minister and the appointed collective administration society established undersection 49 of this Act.

(7) The Minister in consultation with the executive officers of the appropriate collective administration society shall cause the distribution of the levy to the right holders.

(8) Any exception, quantum and modalities for the distribution of the levy shall be provided for in Regulations made under this Act.

(9) A persons hall not import any device capable of copying protected materials without payment of the levy.

(10) A person who imports a device without payment of the levy commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units or imprisonment for a term not exceeding twelve months.

GHANA

LEGAL BASIS

LEVY ONLY

Art. 14-16-17 of Copyright regulations 2010

Imposition of levy
14.
There is imposed on the devices specified in regulation 15, capable of being used to copy copyright works, a levy of twenty percent of the cost, insurance and freight value of the devices.

Liability to pay levy
16.
(1) A person who

(a) manufactures; or

(b) imports any of the devices specified in regulations 15 for the purpose of trade, shall pay the levy imposed in these Regulations

Exemption from payment of levy
17.
(1) The levy imposed in Regulations 15 and 16 do not apply to:

(a) devices manufactured in the country for purpose of export,
(b) institutions that represent persons with disability and which are specified in an enactment,
(c) devices which are used to duplicate locally produced works or foreign works licensed for duplication in the country, and
(d) other materials which the Minister may exempt by legislative instrument. Fee on reprographic reproduction.

COLLECTION AND DISTRIBUTION SYSTEMS

Copyright (amendment) Regulations, 2023 (L.I. 2469) Regulations 19 (A) to 19(L)

(1) The Minister shall distribute the levies collected in furtherance of regulation 14 as follows:

a) 10% for cultural activities to be collectively administered by the collective administration societies

b) 10% percent for the development of collective licensing soceities

c) 4% for the Ghana Revenue Authority

d) 6% for the Copyright Office

- Copyright Regulations 2010 L.I 1960
Regulations 19 (2)

LEGAL DEVELOPMENTS

Updated list of devices attracting levies under the amended L.I, Copyright (amendment) Regulations 2023 L.I. 2469 is yet to be implemented. The updated list includes following devices:

a. Smart phones
b. Tablets
c. External HD
d. USB Sticks
e. Reprographic devices (i.e., devices for text and image copying only)

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

GHANA

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TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff	Capacity
Smartphones Tablets External HD SD and Micro SD memory cards USB Sticks Set top BOX with hard drive	Fifteen percent (15%) of the cost, insurance and freight value of a device specified in paragraphs (a) to (j) of regulation 15	Flat rate for all capacities
Reprographic devices (i.e., devices for text and image copying only)	Fifteen percent (5%) of the cost, insurance and freight value of a device specified in paragraphs (k) to (n) of regulation 15	Flat rate for all capacities

REVENUES IN LOCAL CURRENCY

Collection in '000 GHS	2019	2020	2021	2022	2023	2024
Reprographic devices			Not Specified			
Digital devices			Not Specified			
Total	**5,410**	**3,068**	**1,563**	**922**	**520**	**2,371**

Percentage distributed	2019 to 2024
Text-Image	28%
Musical - Audiovisual Works/CMOs	56%

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

KENYA

52.444 M GDP: EUR 111.75 Bn

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CONTACT INFORMATION

COUNTRY	Kenya
CURRENCY	KES
NAME ORGANIZATION	KECOBO
WEB SITE	https://copyright.go.ke
E-MAIL	info@copyright.go.ke

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	KECOBO licenses and supervises all CMOs
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: No
TARIFFS	Levy rates are negotiated between CMOs and importers/manufacturers, or set by KECOBO if no agreement is reached.
BENEFICIARIES	Performers and producers of sound recordings
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Manufacturers and importers of recording equipment and blank media. ☑ Payment ☒ Disclosure of information on the type and quantity of levied products placed on the market on request. ☒ Reporting - parties must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	Export
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

Levies/remuneration is negotiated between CMOs representing performers/producers and associations of manufacturers/importers, or fixed by KECOBO if no agreement is reached, assessing the type and capacity of equipment or medium, market value, and copying potential.

EXEMPTION AND REFUND

There is an exemption in case of export.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

KENYA

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COLLECTION PROCESS

HOW FREQUENTLY IS PAYMENT DUE?

Collected by the Kenya Revenue Authority (KRA) or another entity designated by KECOBO, then transferred to the licensed CMO(s).

HOW DO YOU MONITOR THE MARKET?

KRA monitors imports of devices and media.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Yes

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

CMOs distribute according to their approved distribution rules filed with KECOBO.

WHICH RIGHTSHOLDERS ARE INCLUDED?

Performers and producers of sound recordings

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

By each CMO's internal rules, subject to KECOBO approval

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Rightsholders must register with the relevant CMO and provide works' documentation.

SOCIAL AND CULTURAL FUNDS

There is no social or cultural deduction.

LEGAL BASIS

EXCEPTION AND LEVY

Copyright Act (Cap. 130) 2022

30. Rights of performers

(…)

(6) The rights of an owner of a copyright in a fixation of their performance are not infringed by the making of a single copy of the performance for the personal and private use of the person making the copy and in respect of such use the owner of a related right in the performance shall have the right to receive fair compensation consisting of a royalty levied on audiovisual recording equipment or audio-visual blank media suitable for recording and other media intended for recording, payable at the point of first manufacture or entry in Kenya by the manufacturer or importer for commercial purposes of such equipment or media.

KENYA

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

30B. Collection and payment of royalty

(1) Subject to the provisions of sections 28 and 30 of this Act, the Kenya Revenue Authority or any other designated entity by the Board shall collect royalties on behalf of collective management organizations licensed to represent performers and owners of sound recordings.

(2) All claims for compensation under this section shall be made through the collective management organizations representative of performers and producers of sound recordings.

(3) The level of the royalty payable shall be agreed between the collective management organization representative of performers and producers of sound recordings and the organization representative of manufacturers and importers of audio recording equipment, audio blank tape and media intended for recording or failing such agreement by the Board.

(4) The Board shall determine and, by notice in the Gazette, publish the share of the private copying remuneration applicable to the respective rightsholders.

ORGANIZATIONS

Sections 46–46C

– CMOs must be registered and licensed by KECOBO; only one CMO per rights category; must operate on a non-profit basis under KECOBO supervision.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

MALAWI

23.384 M **GDP: EUR 10.9 Bn**

CONTACT INFORMATION

COUNTRY	Malawi
CURRENCY	MWK
NAME ORGANIZATION	COSOMA
WEB SITE	www.cosoma.mw
E-MAIL	cosoma@cosoma.mw

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	COSOMA
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	Yes, tariffs are in place and established by COSOMA.
BENEFICIARIES	Authors, publishers, composers, artists, and other rightsholders in literary, artistic, and musical works.
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Importers and local manufacturers. ☑ Payment ☑ Disclosure of information on the type and quantity of levied products placed on the market on request. ☒ Reporting - parties must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	10%

RATE SETTING

The Society sets the levies based on the regulations. Factors include the type of device, its storage capacity, and its potential use for copying copyrighted works. Periodic reviews apply. Empirical studies are not required.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

MALAWI

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EXEMPTION AND REFUND

Devices intended for export are exempt. Certain professional or business-use devices may be exempt from the levy obligation in case of professional use, subject to application and proof.
Certain products may be exempt from levies if proven to be solely for professional or non-infringing use. The law may qualify business purposes and the importer/manufacturer must apply for an exemption before importing or selling.
All potential refunds or reimbursements (ex-post) are conducted by the Malawi Regulatory Authority.

COLLECTION PROCESS

HOW IS THE COLLECTION ORGANISED?

Malawi Regulatory Authority send a report to the Society which indicates how much has been collected and the Society proceed to make arrangements to distribute to its members.

HOW FREQUENTLY IS PAYMENT DUE?

Annually

HOW DO YOU MONITOR THE MARKET?

Through customs data

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

COSOMA works with customs authorities. Customs may provide import data or hold shipments until levy confirmation is provided.

ARE EXPORTS EXEMPTED?

Yes, as per the exemption process

WHO IS CONSIDERED IMPORTER?

The legal entity or individual declared to customs as the importer of media storage devices.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

COSOMA is responsible for the distribution of remunerations.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

Yes, the Copyright Act and COSOMA's distribution rules set a limit on administrative deductions where 20% goes to COSOMA, 5% to MRA and another 5% to the Government.

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Yes, distributions are required to be made within a specified period after collection which annually as per distribution rules.

FREQUENCY OF DISTRIBUTION

Typically annual distributions are made.

MALAWI

DISTRIBUTION PROCESS

WHICH RIGHTSHOLDERS ARE INCLUDED?

For Literary works it includes Authors and Publishers, and Musicians and Film makers.

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Regulations and Distribution Rules

HOW DO RIGHTSHOLDERS CLAIM THEIR DISTRIBUTION?

Rightsholders must be members of a relevant collective association or register directly with COSOMA and their should be an evidence that their works were used by the public.

DISTRIBUTION KEYS SUBMITTED?

Stated in the distribution rules

SOCIAL AND CULTURAL FUNDS

There is a social or cultural deduction with the purpose of benefitting the ones in the creative industry, from which all members and others can benefit. It amounts to 10 %.

LEGAL BASIS

EXCEPTION AND LEVY

Section 38 of the Copyright Act 2016

The reproduction, translation, adaptation, arrangement or other transformation of a work exclusively for the user's own personal or private use of a work which has already been lawfully made available to the public, shall be permitted: Provided that it is made on the basis of a representation that is authorized under this Act, at the initiative of the user and not for purposes of gain and only in single copies.

LEVY ONLY

Section 102 of the Copyright Act 2016

(1) The levy on the placing of devices for digital storage of material pursuant to section 101 shall apply in regard to:

(a) devices integrated in computers or other specialised computer equipment; and
(b) stand alone storage devices such as compact disks and memory sticks as specified in regulations.

(2) It shall be presumed that the placing of the said devices on the market is for consumers unless circumstances or evidence clearly proves that it is for commercial purposes.

(3) The levy shall be paid by the manufacturers or importers of devices for the digital storage of material.

(4) The levy shall be specified by the Minister of Finance in consultation with the Minister responsible for culture, by order published in the Gazette.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

MALAWI

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LEGAL DEVELOPMENTS

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES? AND WHY?

There are ongoing challenges with some importers denying liability or under-declaring quantities. This is often due to a lack of awareness or attempts to avoid payment.

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff	Capacity
Smartphones	5%	128 Gb
	5%	256 Gb
Tablets	5%	64 Gb
	5%	128 Gb
	5%	256 Gb
External HD	5%	1 Tb

REVENUES IN LOCAL CURRENCY

Collection in M MWK	2019	2020	2021	2022	2023	2024
Reprographic devices	5%	5%	5%	5%	5%	5%
Digital devices	5%	5%	5%	5%	5%	5%
Total	**78**	**300**	**400**	**400**	**900**	**900**

Percentage distributed	From 2019 to 2024
Text-Image Works	15%
Musical - Audiovisual Works	15%*

*The total amount collected

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

MOROCCO

37.37 M **GDP: EUR 143.59 Bn**

CONTACT INFORMATION

COUNTRY	Morocco
CURRENCY	MAD
NAME ORGANIZATION	BMDAV
WEB SITE	bmdav.ma
E-MAIL	support@bmda.ma

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	BMDAV
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	**Private Copying**: Tariffs are set by BMDAV following proposal from the Commission de la Copie Privée; list and rates adopted by decree. **Reprography**: Under Draft Decree No. 2.23.76, reprographic remuneration applies to devices designated by joint ministerial decision and is set at 10% of the production cost for locally manufactured devices and 10% of the customs value for imported devices, both calculated exclusive of taxes. Amending Decree No. 2-25-550 (30/09/2025) later updated the applicable rates by introducing three proportional brackets—10%, 6%, and 4%—with a ceiling of 350,000 MAD.
BENEFICIARIES	**Private Copying**: authors, performers, and producers **Reprography**: authors and publishers
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	**Private Copying**: Manufacturers and importers of recording devices and blank media **Reprography**: Copy-shop operators, institutions, or others reproducing works beyond exceptions ☑ Payment ☑ Disclosure of information on the type and quantity of levied products placed on the market on request. ☑ Reporting - parties must report the type and quantity of imported items. ☑ Auditing
EXEMPTION	Public administrations, broadcasters, producers, and bodies serving persons with disabilities are exempt.
SOCIAL AND CULTURAL DEDUCTIONS	Yes – a portion of private-copying revenue is allocated to the Caisse de couverture sociale for social and cultural purposes. Percentage fixed by BMDAV Board.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

MOROCCO

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RATE SETTING

Private copying: Levies are set by BMDAV, following proposals from the Commission de la Copie Privée, with the list of equipment and applicable rates adopted by decree. Tariffs are based on the type and technical capacity of the device/media and the quantities placed on the market.

Reprography: Reprographic remuneration applies to devices designated by joint ministerial decision. The levy is set at 10% of the production cost for locally manufactured devices and 10% of the customs value for imported devices, both calculated excluding taxes. Amending Decree No. 2-25-550 (30/09/2025) later refined the system by introducing three proportional brackets (10%, 6%, 4%) with an overall ceiling of 350,000 MAD.

EXEMPTION AND REFUND

Exports are exempt from levy payment, and professional-use exemptions apply only to the specific categories listed in Article 59 of Law 2-00—namely audiovisual communication operators, phonogram and videogram producers, public administrations, public bodies serving persons with disabilities, and Moroccan associations serving persons with disabilities. These entities are exempt when devices and recording media are intended for their own use, and the exemption operates under regulatory conditions and on the basis of a convention concluded with the BMDAV. No additional consumer exemptions exist beyond these categories. Ex-ante exemptions are administered jointly by BMDAV and Customs, while ex-post refunds may be granted for exported goods or verified exempt uses, typically upon request by the importer, who must provide the required supporting documentation.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

BMDAV collects directly and via Customs; Customs ensure levy payment at import.

HOW FREQUENTLY IS PAYMENT DUE?

Levy payable before customs clearance; distribution at year-end

HOW DO YOU MONITOR THE MARKET?

BMDAV inspectors verify compliance; may coordinate with authorities.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Under General and Reprographic Schemes: BMDAV

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

Under General and Reprographic Schemes: Up to 30 % of revenue for admin costs.

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Under General and Reprographic Schemes: Payment to rightsholders within 2 months after year-end.

MOROCCO

DISTRIBUTION PROCESS

FREQUENCY OF DISTRIBUTION

Under General and Reprographic Schemes: Annual / biannual as approved by BMDAV Board

WHICH RIGHTSHOLDERS ARE INCLUDED?

General Scheme: authors, performers, producers

Reprographic Devices: authors and publishers

LEGAL BASIS

EXCEPTION AND LEVY

Law No. 2-00 on Copyright and Related Rights (promulgated by Dahir No. 1-00-20 of 9 Dhul- Qa'dah 1420 (February 15, 2000), and amended up to Law No. 79-12)

Article 12: - Notwithstanding the provisions of Article 10 above, and subject to the second paragraph of this Article, it is permitted, without the author's authorization and without payment of remuneration, to reproduce a lawfully published work exclusively for the private use of the user.

The preceding paragraph does not apply to:

(…)

b. the reprographic reproduction of an entire book or of a musical work in graphic form (sheet music);

Article 59.1: In accordance with Articles 1 and 12 of Law No. 2-00, authors, performers of works recorded on phonograms or videograms, as well as producers of such phonograms or videograms, are entitled to remuneration for the private and legal reproduction of said works for personal use.

LEVY ONLY

Article 59.3

The private-copying levy is calculated on a flat-rate basis by the Moroccan Copyright Office for recording devices and recording media, according to their nature and their technical characteristics.

Article 59.4

Any person liable for the private-copying levy must pay it to the Moroccan Copyright Office and must regularly provide the Office with the actual quantities of recording devices and media—whether locally produced or imported—intended for private use, together with an indication of their retail sale price.

Reprographic Devices:

Amending Decree No. 2-25-550 (2025)

Article 3

The remuneration rates imposed on reprographic devices under Article 2.24 of Law No. 2.00 are set as follows:

- 10% of the production cost for reprographic devices manufactured locally;
- 10% of the customs value for imported reprographic devices.

These amounts are calculated without including taxes.

MOROCCO

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

Article 59.8

Persons liable for the private-copying levy, as well as the parties referred to in Article 59.5 of this Law, must declare to the Moroccan Copyright Office (BMDAV), within the deadlines set by regulation, all necessary information relating to recording devices and/or blank media, whether locally manufactured or imported, that are intended for the reproduction of works, and must simultaneously proceed with payment of the levy on said devices and media.

The declaration must include the following mandatory information:

- the identity of the liable party (name or corporate name);
- the address of the establishment;
- the type of device or medium subject to the private-copying levy;
- the quantity of devices or media;
- the retail sale price of the devices and media, all taxes included;
- the purchase price.

For this purpose, appropriate forms are made available to liable parties by the Moroccan Copyright Office. The Office may also require the submission of additional documents and information to complete the declarations mentioned above.

Article 59.9

The declaration and payment of the levy due must be carried out before the placing on the market of devices and media manufactured locally.

With respect to imported goods, the declaration and payment of the levy must occur before customs clearance. Goods subject to the private-copying levy may not be cleared through customs unless the importer proves to the Customs and Indirect Tax Administration that he has completed the declarations and payments referred to in Article 59.8 above. Proof must be provided by submitting to the customs services a copy of the declaration duly validated by the Moroccan Copyright Office.

This measure applies to goods consisting of usable recording media as well as recording devices and any material intended for the manufacture or assembly of recording devices.

The parties referred to in Article 59.5 of this Law must provide the Customs and Indirect Tax Administration with the exemption certificate issued by the Moroccan Copyright Office.

Decree No. 2.15.646 Pursuant to Articles 59.5, 59.7 and 59.8 of Law 2.00 on Copyright and Related Rights

Article 2

Pursuant to Article 59.8 of the aforementioned Law No. 2-00, those subject to the private copying levy and the parties referred to in Article 59.5 of the aforementioned Law No. 2-00 shall make a declaration to this effect to the Moroccan Copyright Office within twenty (20) days before the release of the work on the national territory or before any customs clearance procedure;

Reprographic Devices:

Article 1

In application of Article 1.24 of Law No. 2.00 on copyright and neighbouring rights, the list of reprographic devices subject to reprography remuneration is determined by joint decision of the governmental authority responsible for communication and the competent governmental authority for copyright.

Article 2

To implement the first paragraph of Article 3.24 of Law No. 2.00, any party required to pay reprographic remuneration to the BMDAV must provide all information relating to reprographic devices at least twenty (20) days before placing such devices on the market, whether they are manufactured domestically or imported.

MOROCCO

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

Article 4

In application of Article 2.24 of Law No. 2.00, the quantities allocated for the distribution of reprographic remuneration shall be determined by the competent governmental authority after consulting the BMDAV.

Circulaire No 6541/211 de 19 février 2024.

ORGANIZATIONS

Law No. 25-19 on the Moroccan Copyright and Neighbouring Rights Office (promulgated by Dahir n° 1-22-52 of 13 Moharrem 1444 (August 11, 2022)

Article 12

The Board of Directors is vested with all powers and duties necessary for the administration of the Bureau. To this end, it is responsible in particular for:

(…)

> Setting the collection and distribution system for the amounts due, including amounts owed in respect of copyright and neighbouring rights, private copying, and the use of expressions of folklore, as well as managing the revenues derived therefrom, subject to the fee schedules for the collection of these amounts as provided for in the applicable legal texts.

Reprographic Devices:

Article 6

Execution of this decree is entrusted to the Minister of Youth, Culture and Communication; the Minister Delegate in charge of the Budget; and the governmental authority responsible for communication and copyright.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

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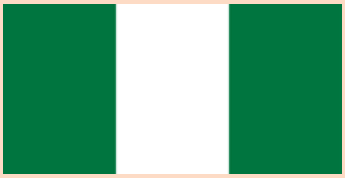

NIGERIA

227.713 M GDP: EUR 173.44 Bn

1/2

CONTACT INFORMATION

COUNTRY	Nigeria	
CURRENCY	NGN	
NAME ORGANIZATION	MCSN	REPRONIG
WEB SITE	https://www.mcsnnigeria.org/	www.repronig.com
E-MAIL	info@mcsnnigeria.org	info@repronig.com

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Nigerian Copyright Commission (NCC)
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: No
TARIFFS	No
BENEFICIARIES	Authors and rights holders, via their CMOs or other approved representatives
LIABLE PARTIES FOR PAYMENT AND	Producers and importers. ☑ Payment ☒ Disclosure must provide information on the type and quantity of levied products placed on the market on request. ☒ Reporting must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	No
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

Levies are determined by ministerial order, taking into account the type of material/device and its relevant capacity to be used.

REFURBISHED DEVICES

Refurbished devices are not subject to a levy.

EXEMPTION AND REFUND

All exemptions (in case of export, professional use, consumers/buyers, products) are at the discretion of the Minister.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

NIGERIA

2/2

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Levy is paid into the Fund of the Nigerian Copyright Commission (NCC).

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

The NCC is responsible for administration and enforcement, implying oversight of levy collection and distribution.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

NCC disburses funds to approved CMOs or other representatives (Sec. 89(3)).

LEGAL BASIS

EXCEPTION AND LEVY

Copyright Act, 2022 (Act No.8 of 2022)

PART II — EXCEPTIONS TO COPYRIGHT
Section 20
(1) The rights conferred in respect of a work under sections 9-13 of this Act, do not include the right to control any of the acts specified in those sections by way of fair dealing for purposes such as —

(a) private use ;
(b) parody, satire, pastiche, or caricature ;
(c) non-commercial research and private study ; (…)

LEVY ONLY

Section 89
Levy on copyright material

1. There shall be paid a levy on any material used or capable of being used to infringe copyright in a work.

2. The levy payable under subsection (1) and any exemptions from such payment shall be as may be prescribed by the Minister by an order, and different levies may be imposed on different categories of material.

3. The levy payable under this section shall, subject to approved deductions, be paid into the Fund of the Commission, and the Commission shall have power to disburse the funds to approved CMOs or other representatives of right owners, in accordance with the regulations made by the Commission.

4. The Minister shall have power to exempt any class of materials from the repayment of any levy.

5. In this section, "material" includes any object, equipment, machine, contrivance or any other device, including electronic or digital systems, used or capable of being used to infringe copyright in a work.

COMMENTS

Early 2026, the Music and Audio Visual Rights Collecting Societies (MCSN and AVRS) have received a share of the PC collections levies in application of the Section 89 of the Copyright Act.

The distribution mechanism is under consideration.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

TANZANIA

65.231 M **GDP: EUR 74.1 Bn**

CONTACT INFORMATION

COUNTRY	Tanzania
CURRENCY	TZS
NAME ORGANIZATION	COSOTA
WEB SITE	www.cosota.go.tz
E-MAIL	info@cosota.go.tz

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Tanzania Revenue Authority and COSOTA
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	Tariffs are included in the legislation.
BENEFICIARIES	Authors, composers, performers, producers of phonograms and audiovisual works, literary, visual and performing arts sectors
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Importers and manufacturers ☑ Payment ☒ Disclosure of information on the type and quantity of levied products placed on the market on request. ☒ Reporting - parties must report the type and quantity of imported items. ☒ Auditing
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	10% Culture and Arts Trust Fund

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

Levies are determined by ministerial regulations issued under Section 53 of the Copyright and Neighbouring Rights Act, 2023. The Copyright Levy Regulations (GN No. 378/2023, amended by GN No. 772/2023) specify the devices subject to the levy and provide that the levy is calculated on the taxable value of the device (import CIF value or factory price for locally produced goods), in accordance with the Excise (Management and Tariff) Act.

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

TANZANIA

2/5

RATE SETTING

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

The criteria used are the type of device or medium capable of copying works and its taxable value, assessed under the Excise Act.

EXEMPTION AND REFUND

No exemptions or refunds foreseen.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Collection is carried out by the Tanzania Revenue Authority (TRA) at the point of import or manufacture, using customs/excise procedures, and transferred to a designated account of the Copyright Office (Reg. 5, GN No. 378/2023).

HOW FREQUENTLY IS PAYMENT DUE?

Payment is due **upon customs clearance for imports or release from factory for locally produced devices** (Reg. 4, GN No. 378/2023, as amended by GN No. 772/2023).

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

COSOTA receives the levy from TRA and then allocates it: 60% is transferred to licensed Collective Management Organisations (CMOs) for onward distribution to rightsholders.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

The Regulations fix a 20% share to COSOTA for administration of the levy

WHICH RIGHTSHOLDERS ARE INCLUDED?

Rightsholders represented by licensed CMOs (e.g., authors, composers, performers, producers and other categories that CMOs cover under their mandates).

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

By the CMOs' distribution rules, which operate under the licensing/oversight framework of COSOTA

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

By being **members or mandatories of an approved CMO**, which receives the 60% share and pays out according to its distribution rules

SOCIAL AND CULTURAL FUNDS

The levy distribution allocates 10 % to the Culture and Arts Trust Fund. The purpose is to finance cultural development and the arts in Tanzania through the Culture and Arts Trust Fund. The beneficiaries are the wider cultural sector – cultural institutions, programs, and projects supported by the Fund – rather than individual rightsholders.

TANZANIA

3/5

LEGAL BASIS

EXCEPTION AND LEVY

Copyright and Neighbouring Rights Act (Chapter 218), 2023

12.

Notwithstanding the provisions of section 9, the following uses of a protected work, either in the original or in translation, shall be permissible without the author's consent and the obligation to pay remuneration for the use of the work-

(a) in case of any work except computer programs and architectural works, that has been lawfully published-

(i) the production, translation, adaptation, arrangement or other transformation of such work exclusively for the user's own personal and private use provided that, the reproduction does not conflict with normal exploitation of the work and does not unreasonably prejudice the legitimate interest of the author;

53.

(1) There is imposed a copyright levy at a rate of 1.5 percent to be charged on the value of radio/TV set enabling recording, analogue audio recorders, analogue video recorders, CD/DVD copier, digital jukebox Vinyl, Mini Disc, Compact Disc (CD), Digital Versatile Disk (DVD), SD Memory and MP 3 player.

(2) The Minister shall, upon consultation with the Minister responsible for finance, make regulations prescribing the manner and modality under which the levy shall be collected and accounted for.

COLLECTION AND DISTRIBUTION SYSTEMS

Regulation 5, GN No. 378/2023

5.

(1) The copyright levy shall be collected by the Tanzania Revenue Authority in accordance with the ordinary customs and revenue collection procedures.

(2) The levy collected under this regulation shall be deposited into a bank account maintained by the Office for that purpose.

(3) For purposes of implementation of subregulation (2), the Office shall, in writing, notify the Tanzania Revenue Authority of the bank account into which the levy collected shall be deposited.

Regulation 6, GN No. 378/2023

6.

(1) The Office shall pay appropriate remuneration due to an author or an organisation out of the levy collected under these Regulations in accordance with the following distribution:

(a) ten percent to the Culture and Arts Trust Fund;

(b) twenty percent to the Office for administration purposes;

(c) ten percent as dividend to the Government; and

(d) sixty percent shall be distributed equally among all collective management organisations.

(2) The organisations shall further distribute the remuneration for musical, audiovisual and literary works in accordance with the Distribution Rules approved by the Office.

TANZANIA

LEGAL BASIS

ORGANIZATIONS

Part VII – Collective Management of Rights, Copyright and Neighbouring Rights Act, 2023

Section 57

(1) A collective management organisation shall not operate in Tanzania without a licence issued by the Office.

(2) The Office shall not licence a collective management organisation in respect of the same bundle of rights and category of works if there exists another organisation that has already been licensed under this Act.

(3) A person who operates as a collecting organisation without a licence commits an offence and on conviction, shall be liable to a fine of not less than ten million shillings but not exceeding twenty million shillings.

Section 59(1)

The Office shall licence a collective management organisation where-

(a) it is satisfied that the collective management organisation is capable of promoting its members' interests and of discharging its functions and objectives;

(b) it consists of at least thirty members; and

(c) the organisation is incorporated under the Companies Act.

LEGAL DEVELOPMENTS

Distribution has not yet been carried out due to challenges in ensuring equitable allocation across all categories. We have since made amendments to the Copyright Levy Regulation, specifically concerning the 60% share allocated to artists under Regulation 6(1)(d), by introducing a new distribution model based on approved devices and actual usage of the works. The regulation is currently under review at the Ministry level, pending approval and signature by the Honorable Minister responsible.
The breakdown is as follows:

No.	Category	Percentage
1	Music	20%
2	Audiovisual works	15%
3	Literary works	10%
4	Visual Arts	7.5%
5	Performing Arts	7.5%

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

TANZANIA

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TARIFFS IN LOCAL CURRENCY

ALL DEVICES PROPOSED TO BE SUBJECT TO COPYRIGHT LEVY

No.	Item name	Importer	Manufacturer	Assembler	Status*
1	USB Flash Disk	1.5%	1.5%	1.5%	
2	Vinyl	1.5%	1.5%	1.5%	Provided in the law
3	Mini Disc	1.5%	1.5%	1.5%	Provided in the law
4	Compact disc (CD)	1.5%	1.5%	1.5%	Provided in the law
5	Digital Versiatile Disk (DVD)	1.5%	1.5%	1.5%	Provided in the law
6	Tablets	1.5%	1.5%	1.5%	-
7	MP 3 Player	1.5%	1.5%	1.5%	Provided in the law
8	Digital Jukebox	1.5%	1.5%	1.5%	Provided in the law
9	Sim Card	1.5%	1.5%	1.5%	-
10	SD Memory card	1.5%	1.5%	1.5%	Provided in the law
11	CD/DVD Copier	1.5%	1.5%	1.5%	Provided in the law
12	Cell phone	1.5%	1.5%	1.5%	-
13	Personal computer not exceeding 30 kgs	1.5%	1.5%	1.5%	-
14	CD writer	1.5%	1.5%	1.5%	-
15	Photocopier	1.5%	1.5%	1.5%	-
16	Printer	1.5%	1.5%	1.5%	-
17	Scanner	1.5%	1.5%	1.5%	-
18	Camcorder	1.5%	1.5%	1.5%	-
19	Digital camera	1.5%	1.5%	1.5%	-
20	Computer external hard drive	1.5%	1.5%	1.5%	-
21	Radio\TV set enabling recording	1.5%	1.5%	1.5%	Provided in the law
22	Printing plates	1.5%	1.5%	1.5%	-
23	Analogue audio recorders	1.5%	1.5%	1.5%	Provided in the law
24	Analogue video recorders	1.5%	1.5%	1.5%	Provided in the law
25	Smart watches	1.5%	1.5%	1.5%	-

REVENUES IN LOCAL CURRENCY

Tanzania Revenue Authority (TRA) Copyright Office of Tanzania has successfully collected a total of TZS 1,833,381,124.77 as copyright levy revenue for the period from September, 2023 to August, 2025 see below:

Collection in '000 TZS	2023/2024	2024/2025	2025/2026
TOTAL COLLECTIONS	**847,985**	**799,774**	**185,620**
Distributed as follows: COSOTA (20%)	169,597	159,954	37,124
Government Dividend (10%)	84,798	79,977	18,562
Cultural Fund (10%)	84,798	79,977	18,562
CMOs (60%)	508,791	479,864	111,372

AFRICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

TUNISIA

12.336 M **GDP: EUR 49.05 Bn**

CONTACT INFORMATION

COUNTRY	Tunisia
CURRENCY	TND
NAME ORGANIZATION	OTDAV
WEB SITE	www.otdav.tn
E-MAIL	otdav@otdav.tn

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	OTDAV
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes
TARIFFS	Yes
BENEFICIARIES	Authors and other Rightsholders
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Importers and local manufacturers ☑ Payment ☑ Other (Tax)
EXEMPTION	Particular professional or industrial users
SOCIAL AND CULTURAL DEDUCTIONS	Yes

RATE SETTING

The rate is fixed by law: **1% of the turnover of manufacturers** or **1% of the customs value on importation**. The list of taxable products is established by decree.

REFURBISHED DEVICES

There is currently no exemption but a bill is being prepared to define exemptions from private copying levies.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Collected by the tax and customs administration, following the same procedures as VAT and customs duties.

HOW FREQUENTLY IS PAYMENT DUE?

Monthly

TUNISIA

COLLECTION PROCESS

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Yes

ARE EXPORTS EXEMPTED?

A bill is being prepared to define exemption from private copying levies.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

The OTDAV distributes the renumeration received to the rightsholders.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

The management fee is 10%.

FREQUENCY OF DISTRIBUTION

Yearly

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, performers and producers

DISTRIBUTION KEYS SUBMITTED?

- 40% to the author and composer
- 30% to the performer
- 30% to the producer of audio or audio-visual recording

SOCIAL AND CULTURAL FUNDS

A special treasury fund entitled "Fund for the encouragement of literary and artistic creation" is opened in the writings of the General Treasurer of Tunisia. This fund is financed in particular by resources from the tax relating to literary and artistic property.

LEGAL BASIS

EXCEPTION AND LEVY

Law No. 2009-33 of 23 June 2009 amending and supplementing Law No. 94 36 of 24 February 1994 on literary and artistic property

Article 10 (new)

The following uses of protected works that have been made available to the public are lawful without the author's authorisation or compensation, subject to the provisions of Article 37 of this law:

A) The reproduction of the work for private use, provided that such reproduction does not prejudice the normal exploitation of the work or cause unjustified harm to the legitimate material interests of the author.

(…)

TUNISIA

LEGAL BASIS

LEVY ONLY

(Tax on incentive to creation)

Law No. 2009-33 of 23 June 2009 amending and supplementing Law No. 94 36 of 24 February 1994 on literary and artistic property

Article 37 (new)

A tax to encourage creation is hereby established, payable on importation and locally on unrecorded audio and audiovisual media, as well as on recording and reproduction devices and equipment.

The list of products subject to this tax is set by decree.

The tax is set locally at 1% of the turnover of manufacturers of products subject to this tax, excluding value added tax or customs duty on imports.

This tax is collected locally on the basis of a monthly declaration, according to a model established by the administration and filed with the competent tax office, within the time limits set for value added tax and customs duties on imports.

The same rules as those applicable to import customs duties or those provided for in the Code of Tax Rights and Procedures in the domestic regime shall apply to this tax for the purposes of collection, control, detection of infringements, penalties, disputes, limitation periods and refunds.

INTRODUCTION NORTH & SOUTH AMERICA

1/2

The picture of private copying in North and South America is an incomplete one, with many countries struggling to advance their efforts towards supporting the implementation of the exception with some form of remuneration. Unlike European countries, many countries in this region may recognise a statutory private copying exception (often limited to one copy, personal use, non-commercial), while not recognising an accompanying levy. In some countries such as Ecuador and Mexico, political battles have been fought to introduce (and maintain) a well-functioning, fully implemented private copying system.

In the United States and Canada, while the vestiges of the private copying system still exist, the scope of such levies has narrowed significantly over time. Only few recordable media are considered subject to the levy, and this list has not been expanded. Nevertheless, they are considered fully implemented systems.

In South America, only few other countries have a fully implemented private copying system: Paraguay and Peru. Most other countries have a limited exception with no remuneration scheme: Antigua & Barbuda, Bahamas, Barbados, Belize, Brazil, Colombia, Costa Rica, Cuba, Dominica, El Salvador, Grenada, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Saint Kitts & Nevis, Saint Lucia, Saint Vincent & the Grenadines, Suriname, Trinidad & Tobago and Venezuela. Argentina, Bolivia, Chile, Ecuador, Guyana, Jamaica and Uruguay currently have no private copying exception in place.

In the case of several of the Caribbean countries listed above, the Association of Caribbean Copyright Societies (ACCS) has started a project in 2025 to assess the potential introduction of private copying levies in multiple countries in the region. A Feasibility Study was completed for the countries Barbados, Jamaica, St. Lucia, and Trinidad and Tobago to examine the possible economic impact private copying would have on the cultural industry. The Study concluded that by 2030 even modest private copying income could "add up to a reliable income stream that is not dependent on tourism or live events," and could provide regional creators with "newfound financial stability [allowing] them to invest in their craft, mentor younger artists, and confidently navigate an ever-changing digital landscape."[1]

In Mexico, while a law is already in place (Federal Law on Copyright, 1996) recognising a right to compensation for private copying, it does not sufficiently specify parties liable for payment. Due to this, the private copying system is not functional. At the policy-level, numerous proposals for implementing legislation have been tabled several times without progress, while at the local level, a range of industry stakeholders (including collective management organisations), have organised numerous campaigns to introduce proper implementing legislation.[2]

Finally, in Ecuador, there is a unique situation where the private copying exception was introduced in the Intellectual Property Law of 1998 but was repealed in 2016 by the "Organic Code of the Social Economy of Knowledge, Creativity and Innovation" (COESCCI).[3J290J229] As such, a private copying exception no longer exists in Ecuador.

While a patchwork of well-functioning private copying systems currently exists in the Americas, there is nevertheless the recognition that this region still has significant potential for introducing well-functioning systems that can offer cultural sectors with the support and stability that a steady private copying income can provide.

[1] Mwandha, Antony (2025), "Feasibility Study: Implementation of a Private Copy Levy System in Barbados, Jamaica, St. Lucia, and Trinidad and Tobago." Sponsored by the Association of Caribbean Copyright Societies.

[2] E.g., The efforts of "La Coalición por el Acceso Legal a la Cultura" (CALC), which drafted an implementation bill (2019) endorsed by local collective management organisations and industry associations alike. The bill was later reintroduced in 2022, but despite strong political support, was not discussed by the legislature by 2024.

[3] The Organic Code on the Social Economy of Knowledge, Creativity and Innovation, Ecuador (2016). Available at: https://www.wipo.int/wipolex/en/legislation/details/16990.

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NORTH & SOUTH AMERICA

TERRITORIES WITHOUT PRIVATE COPYING EXCEPTION

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- BOLIVIA
- CHILE
- ECUADOR
- GUYANA
- JAMAICA
- URUGUAY

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

ANTIGUA & BARBUDA

0.104 M **GDP: EUR 2.06 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Antigua and Barbuda
CURRENCY	XCD
NAME ORGANIZATION	ECCO
WEB SITE	www.eccorights.org
E-MAIL	ecco@eccorights.org

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

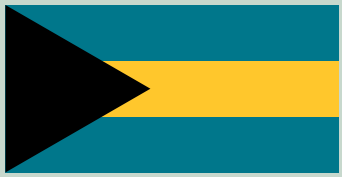
Article 52 of the Copyright Act of 2003

Subject to section 54, fair dealing with a literary, dramatic, musical or artistic work for the purposes of research or private study does not infringe copyright in the work or, in the case of a published edition, in the typographical arrangement.

Article 84 of the Copyright Act of 2003

The making for private and domestic use of a recording of a broadcast or cable program solely for the purpose of enabling it to be viewed or listened to at a more convenient time does not infringe any copyright in the broadcast or cable program or in any work included in it.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM



BAHAMAS

0.408 M **GDP: EUR 13.64 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Bahamas
CURRENCY	BSD

OVERVIEW

EXCEPTION	Yes (limited to "time-shifting")
LEVY	No

LEGAL BASIS

EXCEPTION

Article 40 (2) of the Copyright Act of 1998 (as amended in 2004)

The fixing of a transmission in a copy or phono recorder for private and domestic use solely for the purpose of enabling it to be viewed or listened to at a more convenient time is not an infringement of copyright.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

BARBADOS

0.291 M **GDP: EUR 6.62 Bn**

CONTACT INFORMATION

COUNTRY	Barbados
CURRENCY	BBD
NAME ORGANIZATION	COSCAP
WEB SITE	www.coscap.org
E-MAIL	coscapinfo@coscap.org

OVERVIEW

EXCEPTION	Yes (limited to "time-shifting" and fair dealing exceptions)
LEVY	No

LEGAL BASIS

EXCEPTION

Article 51 of the Copyright Act of 1998 (as amended in 2006)

Subject to section 53, fair dealing with a literary, dramatic, musical or artistic work for the purposes of research or private study does not infringe copyright in the work or, in the case of a published edition, in the typographical arrangement.

Article 83 of the Copyright Act of 1998 (as amended in 2006)

The making for private and domestic use of a recording of a broadcast or cable program solely for the purpose of enabling it to be viewed or listened to at a more convenient time does not infringe any copyright in the broadcast or cable program or in any work included in it.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

BELIZE

0.411 M **GDP: EUR 3.17 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Belize
CURRENCY	BZD
NAME ORGANIZATION	BSCAP
E-MAIL	info@bscap.bz

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 56 (1) of the Copyright Act (Revised in 2020)

Subject to subsection (2) of this section and section 58 of this Act, fair dealing with a protected work for the purposes of research or private study does not infringe copyright in the work.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

BRAZIL

212.584 M **GDP: EUR 2006.97 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Brazil
CURRENCY	BRL
NAME ORGANIZATION	UBC
WEB SITE	http://www.ubc.org.br
E-MAIL	ubc@ubc.org.br

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 46 of the Law on Copyright and Neighboring Rights of 1998

The following shall not constitute violation of copyright:

(...)

II. the reproduction in one copy of short extracts from a work for the private use of the copier, provided that it is done by him and without gainful intent;

(...)

Notes

Brazil has not yet instituted a law on private copying, although the matter has been the subject of debate for many years. Brazilian CMOs are campaigning to introduce remuneration for the private copying exception.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

COLOMBIA

52.696 M **GDP: EUR 386.86 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Colombia	
CURRENCY	COP	
NAME ORGANIZATION	SAYCO	REDES
WEB SITE	www.sayco.org	https://redescritores.com
E-MAIL	centrodeatencion@sayco.org	Juridica@redescritores.com

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 37 of the Law on Copyright of 1982 (as amended in 2018)

It shall be lawful to reproduce, by any means, a literary or scientific work, such reproduction having been arranged or effected by the party concerned in one copy for his private use and without gainful intent.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

COSTA RICA

5.325 M **GDP: EUR 88.15 Bn**

CONTACT INFORMATION

COUNTRY	Costa Rica
CURRENCY	CRC
NAME ORGANIZATION	ACAM
WEB SITE	www.acam.cr
E-MAIL	info@acam.cr

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 73 of the Law no. 6683 of October 14, 1982 on Copyright and Related Rights (as amended in 2021)

Theatrical or musical performances that have been lawfully made available to the public shall be free when they take place in the home for the sole benefit of the family circle. They shall also be free when they take place by way of illustration solely for educational purposes, to the extent justified by the educational purpose, provided that said performances do not conflict with the normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rightsholder.

In addition, the source and author's name shall be mentioned, if this name is given in the source. It shall also be lawful to utilize or reproduce, to the extent justified by the purpose sought, works by way of illustration for teaching via publications such as anthologies, radio broadcasts or sound or audio recordings, provided that such utilization is in accordance with fair use and mentions the source and author's name, if this name is given in the source.

Article 73bis of the Law no. 6683 of October 14, 1982 on Copyright and Related Rights (as amended up until 2008)

The following exceptions to the protection established in this Law shall be permitted for the exclusive rights of performers, producers of phonograms and broadcasting bodies, provided that this does not conflict with a normal exploitation of the performance or unreasonably prejudice the legitimate interests of the right holder:

(a) in the case of utilization for private use;
(b) where brief fragments have been used to provide information on current affairs;
(c) where an ephemeral fixation is produced by a broadcasting body by its own means and for its own broadcasts;
(d) in the case of use exclusively for teaching or scientific research purposes.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

CUBA

10.9 M **GDP: EUR 923 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Cuba
CURRENCY	CUP

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 86 Law No. 154 on the Copyright of the Author and the Performing Artist — Use of creations without authorization or remuneration (entered into force in 2023):

(...)

(2) It is also lawful, without authorization or remuneration but with reference to the creator's name, to use:

(g) the reproduction of creations and the transformation of already-disclosed works, for personal use and for communication within the family or private sphere.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

DOMINICA

0.075 M **GDP: EUR 0.64 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Dominica
CURRENCY	XCD

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Copyright Act, 2003 (Act No. 5 of 2003)

PART VII
EXCEPTIONS TO INFRINGEMENT OF COPYRIGHT

63. (1) Notwithstanding the provisions of section 10(1)(a), and subject to the provisions of subsection (2), the private reproduction of a published work in a single copy shall be permitted without the authorization of the author or owner of copyright where the reproduction is made by any person exclusively for his own personal purposes.

(2) The authorization under subsection (1) shall not extend to the reproduction :

(a) of a work of architecture in the form of building or other construction;

(b) in the form of reprography, of the whole or a substantial part of a book or a recording of a musical work, a sound recording or a film by electronic means;

(c) of the whole or a substantial part of a database in digital form;

(d) of a computer programme, except as provided in section 70; and

(e) of any work in cases where reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or other owner of the copyright.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

EL SALVADOR

6.394 M **GDP: EUR 32.66 Bn**

1/1

CONTACT INFORMATION

COUNTRY	El Salvador
CURRENCY	USD
NAME ORGANIZATION	SACIM
E-MAIL	info@sacimegc.com

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 45 of the Intellectual Property Law (approved by Decree No. 66):

Personal, academic and cultural use of protected works. Regarding works lawfully disclosed, the following are allowed without authorization or remuneration to the author:

(a) Reproduction of a single copy of the work for the user's personal and exclusive use, made by the interested per son with their own means, provided that the normal exploitation of the work is not affected and no unjustified prejudice is caused to the author's legitimate interests.

(b) Photomechanical [Reprographic] reproductions for exclusive personal use, such as photocopying and microfilm, provided they are limited to small parts of a protected work or to out-of-print works. Any use of the reproduced pieces by any means or procedure for a purpose other than personal use, in competition with the author's exclusive right to exploit the work, shall be treated as an illicit reproduction.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

GRENADA

0.116 M **GDP: EUR 1.29 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Grenada
CURRENCY	XCD

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 9 of the Copyright Act of 2011

(1) Notwithstanding section 8(1)(a) and subject to subsection (2) the private reproduction of a published work in a single copy shall be permitted without the authorization of the owner of copyright, where the reproduction is made by a natural person exclusively for his own personal purposes.

(2) The permission under subsection (1) shall not extend to reproduction

(a) of a work of architecture in the form of a building or other construction;

(b) in the form of reprography of the whole or a substantial part of a book, or of a musical work in the form of notation;

(c) of the whole or a substantial part of a data base;

(d) of a computer program, except as provided in section 17; and

(e) of any work in cases where reproduction would conflict with a normal exploitation of the work, or would otherwise unreasonably prejudice the legitimate interests of the owner of copyright.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

GUATEMALA

17.85 M GDP: EUR 104.05 Bn

1/1

CONTACT INFORMATION

COUNTRY	Guatemala
CURRENCY	GTQ
NAME ORGANIZATION	AEI
WEB SITE	http://www.aei-guatemala.org
E-MAIL	infosocios@aei-guatemala.org

OVERVIEW

EXCEPTION	Yes; partial (Reprography)
LEVY	No

LEGAL BASIS

EXCEPTION

Decree No. 33-98, Law on Copyright and Related Rights (as amended by Decree No. 11-2006)

Reprographic Devices:

Article 64

With regard to works already disclosed is also permitted without authorization author, in addition to the provisions of Article 32:

a) reproduction by reprographic means of articles or brief excerpts from works lawfully published, for teaching or conducting examinations in educational institutions, provided there is no profit and that such use does not interfere with the normal exploitation of the work or prejudice the legitimate interests of the author.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

HAITI

12.391 M **GDP: EUR 24.24 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Haiti
CURRENCY	HTG

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 8 of the Decree of 2005 on the Creation of the Office of Haitian Copyright (BHDA)

(1) Notwithstanding section 7 and subject to subsection (2) the private reproduction of a published work in a single copy shall be permitted without the authorization of the owner of copyright, where the reproduction is made by a natural person exclusively for his own personal purposes.

(2) The permission under subsection (1) shall not extend to reproduction

(a) of a work of architecture in the form of a building or other construction;

(b) in the form of reprography of the whole or a substantial part of a book, or of a musical work in the form of notation;

(c) of the whole or a substantial part of a data base;

(d) of a computer program, except as provided in section 16; and

(e) of any work in cases where reproduction would conflict with a normal exploitation of the work, or would otherwise unreasonably prejudice the legitimate interests of the owner of copyright.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

HONDURAS

10.659 M **GDP: EUR 34.17 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Honduras
CURRENCY	HNL
NAME ORGANIZATION	AACIMH
WEB SITE	www.aacimh.org.hn
E-MAIL	recaudacion@aacimh.org.hn

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 47 of the Law on Copyright and Related Rights (amended by Decree No. 12-2006)

Regarding copies of a work legally acquired by a person, it is allowed without authorization of the author and without remuneration, to reproduce a copy of the work for personal and exclusive use of that person, made by himself, with his own means, provided that such reproduction is limited to special cases, does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

MEXICO

132.274 M **GDP: EUR 1712.47 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Mexico		
CURRENCY	MXN		
NAME ORGANIZATION	Solórzano Linaldi S.C.	SOGEM	SACM
WEB SITE	www.s-l.mx	www.sogem.org	www.sacm.org.mx
E-MAIL	contacto@s-l.mx	presidencia@sogem.org.mx	atencion.soc@sacm.org.mx

OVERVIEW

EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes
BENEFICIARIES	Author, Producer, performers
LIABLE	Manufacturers, distributors, sellers or importers of devices

LEGAL BASIS

EXCEPTION

Article 148 of the 'Ley Federal del Derecho de Autor' (as amended up to 2020)

Literary and artistic works that have already been disclosed may only be used in the following cases without the consent of the owner of the economic rights and without remuneration, provided that the normal exploitation of the work is not adversely affected thereby and provided also that the source is invariably mentioned and that no alteration is made to the work:

(...)

Iv. Reproduction of a literary or artistic work once, and in a single copy, for the personal and private use of the person doing it, and without gainful intent.

LEVY

Article 40 of the 'Ley Federal del Derecho de Autor' (as amended up to 2020)

The holders of copyright and related rights may demand compensation for any copy or reproduction made without their authorization and not covered by any of the limitations provided for in Articles 148 and 151 of this Law.

Notes

Though there is a right to compensation for private copying provided for in Mexico's law, there is no specification of the parties liable for payment. Due to this, the private copying system in Mexico is not functional, requiring a further regulation to complete implementation.

Since 2020, there has been no recent legislative progress, though there have been consistent efforts on behalf of copyright organisations to push for full implementation of the system.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

NICARAGUA

6.926 M **GDP: EUR 18.22 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Nicaragua
CURRENCY	NIO

OVERVIEW

EXCEPTION	Yes, a private reproduction of one copy of a published work for personal use is authorized.
LEVY	No

LEGAL BASIS

EXCEPTION

Article 31 of the Law No. 312 on Copyright and Neighboring Rights (consolidated text of June 25, 2020)

31. It is permitted without permission of the author and exclusively for the personal use, the reproduction on one copy of a disclosed work.

The above provision does not apply to:

1) The reproduction of works of architecture that take the form of buildings or other similar constructions.
2) The reprographic reproduction of a whole book or of a musical work in a graphic form (sheet music).
3) The reproduction of a whole database or of a main part of it in numerical form.
4) The reproduction of computer programs, except in cases provided for in Article 39 of this Law.
5) Any other reproduction of a work that could affect the normal exploitation of the work or could unreasonably prejudice the legitimate interests of the author.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

PANAMA

4.51 M **GDP: EUR 81.05 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Panama
CURRENCY	PAB

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 68 of the Law No. 64 of October 2012 on Copyright and Neighboring Rights

Regarding the works, services or products which have been already lawfully disclosed, it is permitted without authorization:

1. The reproduction of the original or a copy of the work in the form of audio or video recording for personal and exclusive use of the user.
2. The reprographic reproduction of a legitimate copy for personal and exclusive use, provided that such a copy is limited to small parts of a protected work or to works in the public domain.

The expression "unlawful" refers to any use of works reproduced by any means or process for purposes other than personal, which affects the exclusive right of reproduction.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

SAINT KITTS AND NEVIS

0.051 M **GDP: EUR 1.03 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Saint Kitts and Nevis
CURRENCY	XCD

OVERVIEW

EXCEPTION	Yes (limited to "time-shifting")
LEVY	No

LEGAL BASIS

EXCEPTION

Article 84 of the Copyright Act of 2000

Where a recording of a broadcast or cable programme is made for private and domestic use solely for the purpose of enabling it to be viewed or listened to at a more convenient time, the recording shall not infringe any copyright in the broadcast or cable programme or in any work included in it.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

SAINT LUCIA

0.18 M **GDP: EUR 2.33 Bn**

CONTACT INFORMATION

COUNTRY	Saint Lucia
CURRENCY	XCD
NAME ORGANIZATION	ECCO
WEB SITE	https://eccorights.org
E-MAIL	ecco@eccorights.org

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 55 of the Copyright Act of 1995 (as amended in 2000) - Research and private study

(1) Subject to subsection (2) and section 57, fair dealing with a protected work for the purposes of research or private study does not infringe copyright in the work.

LEGAL DEVELOPMENTS

The Association of Caribbean Copyright Societies is currently executing a project to assess the feasibility of the introduction of private copying levies.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

SAINT VINCENT AND THE GRENADINES

0.111 M **GDP: EUR 1.07 Bn**

CONTACT INFORMATION

COUNTRY	St Vincent and the Grenadines
CURRENCY	XCD

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 79 of the Copyright Act of 2003

The making for private and domestic use of a recording of a broadcast or cable programme solely for the purpose of enabling it to be viewed or listened to at a more convenient time does not infringe any copyright in the broadcast or cable programme or in any work included in it.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

SURINAME

0.647 M **GDP: EUR 4.12 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Suriname
CURRENCY	SRD
NAME ORGANIZATION	SASUR
WEB SITE	www.sasur.org
E-MAIL	info@sasur.org

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 17 Copyright Law of 1913 (as amended up to 1981)

The reproduction which is limited to single copies and serves exclusively for personal practice, study or use is not considered as infringement of Authors' Rights in a work of literature, science or art and when it applies to a work as referred to in Article 10.6, it shows a clear difference from the original work by means of its size or by the method by which it is manufactured.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

TRINIDAD AND TOBAGO

1.428 M **GDP: EUR 23.59 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Trinidad and Tobago	
CURRENCY	TTD	
NAME ORGANIZATION	COTT	ACCS
WEB SITE	www.cott.org.tt	www.accscaribbean.com
E-MAIL	info@cott.org.tt	info@accscaribbean.com

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 9 of the Copyright Act, 1997 (as amended by Act No. 5 of 2008)

(1) Notwithstanding the provisions of section 8(1)(a) and subject to the provisions of subsection (2) the private reproduction of a published work in a single copy shall be permitted without the authorization of the owner of copyright, where the reproduction is made by a natural person exclusively for his own personal purposes.

(2) The permission under subsection (1) shall not extend to reproduction

(a) of a work of architecture in the form of a building or other construction;

(b) in the form of reprography of the whole or a substantial part of a book or of a musical work in the form of notation;

(c) of the whole or a substantial part of a data base;

(d) of a computer program, except as provided in section 14; and

(e) of any work in cases where reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the owner of copyright.

LEGAL DEVELOPMENTS

The Association of Caribbean Copyright Societies is currently executing a project to assess the feasibility of the introduction of private copying levies.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

VENEZUELA

26.561 M **GDP: EUR 110.74 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Venezuela
CURRENCY	VEF
NAME ORGANIZATION	SACVEN
WEB SITE	http://sacven.org/wp
E-MAIL	info@sacven.org

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 44 of the Law on Copyright, 1993

The following shall be considered lawful reproductions:

1. the reproduction in one copy of a printed, sound or audiovisual work, except in the case of a computer program, which shall be governed by subparagraph 5 of this Article, provided that the copy is made for the exclusive personal use of the user, and is made by the person concerned with his own facilities;
2. photomechanical reproduction for exclusive personal use, as by photocopying and microfilm, provided that it is confined to small parts of a protected work or works that are out of print, and without prejudice to the equitable remuneration that the companies, institutions and other organizations offering the service to the public have to pay to the owners of the right of reproduction; any use of the reproduced material for other than personal purposes that is made in competition with the author's exclusive right to exploit his work shall be deemed equivalent to unlawful reproduction;

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

D

DOMINICAN REPUBLIC

10.797 M GDP: EUR 115.18 Bn

1/2

CONTACT INFORMATION

COUNTRY	Dominican Republic
CURRENCY	DOP
NAME ORGANIZATION	SGACEDOM
WEB SITE	http://sgacedom.org
E-MAIL	derechodeautor@sgacedom.org

OVERVIEW

EXCEPTION	Yes
LEVY	Yes
BENEFICIARIES	Authors, performers, phonogram producers, producers of audiovisual work
LIABLE	Manufacturer, Importer

LEGAL BASIS

EXCEPTION

Article 37 of Law No. 65-00 on Copyright (2000)

It shall be lawful to reproduce once and in a single copy a literary or scientific work for personal use and not for profit-making purposes, without prejudice to the right of the right holder to obtain equitable remuneration for the reprographic reproduction or for the private copying of a sound or audiovisual recording, in the manner established under the Regulations.

Computer programs shall be governed by the guidelines expressly established in the special provisions of this Law relating to such works.

LEVY

Article 1 of the regulation on the private copying levy of 2004 (Decree no. 548)

Reproduction carried out exclusively for personal use, and non-profit, as authorized by Article 37 of Law No. 65-00 of August 21, 2000 on Copyright, by devices or technical instruments or typographical, of works disclosed in the form of books or other publications, as well as phonograms, videograms or other sound, visual or audiovisual media, will generate a single equitable remuneration for each of these modes of reproduction, intended to compensate the rights not received on behalf of the said reproduction.
This amount will benefit to authors, performers, phonogram producers, producers of audiovisual works expressed in videograms and publishers, as appropriate.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

DOMINICAN REPUBLIC

2/2

LEGAL BASIS

LEVY

Article 2

The remuneration in the preceding article shall be determined by the physical media, equipment, and materials suitable for such reproduction and manufactured in Dominican Republic or imported into Dominican territory:

1. The tapes, CDs or other material capable of embodying a sound, visual or audiovisual fixation.
2. material or digital media capable of embodying literary or graphic works.
3. The players or storage, no typographical equipment, works disclosed in the form of books or other publications, as well as phonograms, videograms or other sound, visual or audiovisual media indicated in the previous article.
4. units for the copying of sound and audiovisual media included in a personal computer or manufactured or imported for use in a peripheral manner, excluding the hard drives that are part of the equipment.

COLLECTION AND DISTRIBUTION SYSTEMS

Article 3 of the regulation on the private copying levy of 2004 (Decree no. 548)

The remuneration is distributed as follows: 50% to authors and composers; 25% to performers and 25% to the respective producers, in the case of phonograms and audiovisual works included in videograms; and also equal to the authors and publishers in the case of the reproduction of works expressed graphically parties.

The collection and distribution of the remuneration will be effective by manufacturers and importers in the first sale, or in its absence, by the distributors, whose liability for payment will be in solidarity with those, only through collecting societies constituted depending on the category of works, performances and productions concerned, in accordance with the provisions of Title XII of Law No. 65-00 of August 21, 2000, Copyright.

Notes

In the case of the Dominican Republic, a law exists, but a further regulation is still needed to enforce the law. Decree No. 458 has been applied since 2004, but has many ambiguities that have prevented it from being put into practice.

Administratively, there is already a "one-stop shop" in place to collect levies, comprising of several organisations: the Dominican Society of Performing Artists the General Society of Dominican Authors, Composers, and Music Publishers, the Dominican Society of Phonographic Producers, the Society of Audiovisual Producers and the Dominican Society of Plastic Artists.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

D

CANADA

41.144 M GDP: EUR 2071.59 Bn

CONTACT INFORMATION

COUNTRY	Canada
CURRENCY	CAD
NAME ORGANIZATION	CPCC
WEB SITE	www.cpcc.ca
E-MAIL	inquiries@cpcc.ca

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Canadian Private Copying Collective (CPPCC). The CPCC is a non-profit corporation that represents songwriters, recording artists, music publishers and record companies through its member collectives. It has been mandated by its member collectives to collect and distribute private copying levies. The CPCC has also been designated as the collecting body by the Copyright Board pursuant to subsection 83(8) of the Copyright Act. The CPCC is a non-profit corporation and only withholds those funds necessary to defray its costs of administration
EXCEPTION	Yes
LEVY	Equipment: No Media: Yes Cloud Storage: No NPVR: No Reprography: No
TARIFFS	Levies are paid pursuant to Tariffs certified by the Copyright Board of Canada. Tariffs have been in place since 1999.
BENEFICIARIES	Are eligible: performers, makers, authors and publishers.
LIABLE	The levy is payable by manufacturers or importers of blank media upon first sale or disposition in Canada.
EXEMPTION	Companies may register in the CPCC's Zero-Rating program by entering into agreements with the CPCC. The Zero-Rating program is run voluntarily by the CPCC in recognition of the fact that companies and organizations use leviable blank media for their business purposes. The program allows companies registered in it to purchase and/or sell blank audio recording media at a 'zero-rate' from authorized sellers. The levy is not payable on blank audio recording media sold to associations that represent persons with a perceptual disability. No levy is payable on blank audio recording media that is exported.
SOCIAL AND CULTURAL DEDUCTIONS	No

CANADA

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By the CPCC and other parties at Tariff hearings

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Levy applies to blank audio recording media that are ordinarily used for private copying.

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY?

No

EXEMPTION AND REFUND

EXEMPTION IN CASE OF EXPORT?

Companies may register in the CPCC's Zero-Rating program by entering into agreements with the CPCC. The Zero-Rating program is run voluntarily by the CPCC in recognition of the fact that companies and organizations use leviable blank media for their business purposes. The program allows companies registered in it to purchase and/or sell blank audio recording media at a 'zero-rate' from authorized sellers.

ARE THERE ANY PRODUCTS EXEMPT FROM LEVIES?

On November 7, 2012, the Government of Canada published a regulation exempting microSD electronic memory cards from the private copying levy effective as of October 18, 2012.

The Copyright Board determines the media that are ordinarily used to copy music after considering evidence submitted by the CPCC and other parties at the tariff hearings.

EXEMPTION (EX-ANTE)?

Only upfront exemption is on the Copyright Act - sales to individuals with perceptual disabilities.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Manufacturers and importers are responsible for remitting private copying levies to the CPCC upon sale of the blank media in Canada. The manufacturer is responsible for paying the levy if the media is manufactured in Canada; otherwise the importer is responsible for paying the levy. For each reporting period, manufacturers and importers must report the type of media sold, quantity of units sold, brand information for each media and accurate contact information.

The scope and nature of the information reported is defined by the Copyright Board of Canada.

HOW FREQUENTLY IS PAYMENT DUE?

Manufacturers and importers of blank audio recording media are required to submit reports and levy payments on a bi-monthly basis.

CANADA

COLLECTION PROCESS

HOW DO YOU MONITOR THE MARKET?

Pursuant to the Private Copying tariffs, the CPCC may audit the records of manufacturers and importers to verify the accuracy and completeness of the reports and payments submitted to the CPCC. Manufacturers and importers must keep records, from which the CPCC can readily ascertain the amounts payable and the information required under the Tariff, for a period of six years.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

No

ARE EXPORTS EXEMPTED?

Yes

DEFINITION OF IMPORT

82 (1) Every person who, for the purpose of trade, manufactures a blank audio recording medium in Canada or imports a blank audio recording medium into Canada:

(a) is liable, subject to subsection (2) and section 86, to pay a levy to the collecting body on selling or otherwise disposing of those blank audio recording media in Canada; and

(b) shall, in accordance with subsection 83(8), keep statements of account of the activities referred to in paragraph (a), as well as of exports of those blank audio recording media, and shall furnish those statements to the collecting body.

No levy for exports.

(2) No levy is payable where it is a term of the sale or other disposition of the blank audio recording medium that the medium is to be exported from Canada, and it is exported from Canada.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

The Copyright Board of Canada sets the percentage allocated to each rights holder group after considering evidence submitted by the CPCC at Tariff hearings.

The CPCC's member collectives submit claims to the CPCC for the rights holders that they represent. The CPCC distributes the levies to its member collectives which then pass them on to the rightsholders.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

WHICH RIGHTSHOLDERS ARE INCLUDED?

The CPCC distributes the levy to the CPCC's member collectives upon receipt of claims submitted by the member collectives.

The CPCC's member collectives represent eligible performers, makers, authors and publishers.

CANADA

DISTRIBUTION PROCESS

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

The Copyright Board of Canada sets them after considering evidence submitted by the CPCC at Tariff hearings.

DISTRIBUTION KEYS

Audio
58.2% - SOCAN, CMRRA and SODRAC
23.8% - Re: Sound Music Licensing Company (Eligible Performers)
18.0% - Re:Sound Music Licensing Company (Eligible Makers)

SOCIAL AND CULTURAL FUNDS FOR COLLECTIVE PURPOSES

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

No

LEGAL BASIS

EXCEPTION

Section 80 (2) of the Copyright Act of 1985 as amended in 2023

Subsection (1) does not apply if the act described in that subsection is done for the purpose of doing any of the following in relation to any of the things referred to in paragraphs (1)(a) to (c):

(a) selling or renting out, or by way of trade exposing or offering for sale or rental;

(b) distributing, whether or not for the purpose of trade;

(c) communicating to the public by telecommunication; or

(d) performing, or causing to be performed, in public

LEVY

Since December 1999 Section 83 (1) of the Copyright Act of 1985 as amended in 2023

Subject to subsection (14), each collective society may file with the Board a proposed tariff for the benefit of those eligible authors, eligible performers and eligible makers who, by assignment, grant of licence, appointment of the society as their agent or otherwise, authorize it to act on their behalf for that purpose, but no person other than a collective society may file any such tariff.

COLLECTION AND DISTRIBUTION SYSTEMS

Pursuant to section 82(8)(d) **of the Copyright Act of 1985 as amended in 2023**, the Copyright Board must designate the collecting body that will best fulfil the objects of the legislation. The Board has never varied from its designation of the CPCC as the collecting body.

Pursuant to section 84, the collecting body is to distribute levies to the collective societies representing eligible authors, eligible performers and eligible makers, in the proportions fixed by the Board.

CANADA

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LEGAL DEVELOPMENTS

The federal government began a review of the Copyright Act in December 2017, and the responsible committees reported to government in 2019. CPCC and other industry organizations actively participated in the review process, and continue to lobby for the necessary changes to make the private copying regime 'technologically neutral'.

The Copyright Board of Canada issued decisions on Private Copying Tariffs for 2020 and 2021 on December 13, 2019 and for 2022-2024 on December 17, 2021, maintaining the levy on CD-R media at the existing rate of 29 cents per unit. The latter tariff will continue in effect until the Board issues a decision on the proposed Private Copying Tariff for 2025-2027.

The Copyright Board of Canada issued the 2018 and the 2019 Private Copying Tariffs on December 1, 2017, maintaining the levy on CD-R media at the existing rate of 29 cents.

On December 1, 2017, the Copyright Board published the Private Copying Tariffs for 2018 and 2019, maintaining the levy on CD-R media at the existing rate of 29 cents (Canadian) per unit.

On December 13, 2014, the Copyright Board published the Private Copying Tariffs for 2015 and 2016, maintaining the levy on CD-R media at the existing rate of 29 cents (Canadian) per unit.

On August 31, 2013, the Copyright Board published the Private Copying Tariffs for 2012, 2013 and 2014, maintaining the levy on CD-R media at the existing rate of 29 cents (Canadian) per unit.

On November 7, 2012, the government of Canada published a regulation exempting microSD electronic memory cards from the private copying levy effective as of October 18, 2012.

On August 30, 2013 the Copyright Board concluded that as a result of the circumstances arising from the regulation issued by the federal government in November 2012, it would not be possible to set a levy on microSD memory cards for the period of January 1, 2012 to October 17, 2012 that would be fair and equitable.

On June 29, 2012 the Copyright Modernization Act received royal assent and on November 7, 2012 a majority of the Act was brought into force. The Copyright Modernization Act amends the Copyright Act, such that it is not an infringement of copyright if individuals reproduce a musical work for private purposes if the work was legally obtained and if the individual, in order to make the reproduction, did not circumvent a technological protection measure. This exception does not apply to copies of musical works made onto an 'audio recording medium' as defined in section 79 of the Copyright Act. Section 79 defines 'audio recording medium as a recording medium, regardless of its material form, onto which a sound recording may be reproduced and that is of a kind ordinarily used by individual consumers for that purpose, excluding any prescribed kind of recording medium.' The Copyright Board has ruled that blank CD-R media meet the criteria of audio recording media stipulated in the Copyright Act.

In December 2003, the Copyright Board certified a levy on the memory permanently embedded in digital audio recorders. This decision was appealed by hardware and software manufacturers as well as a group representing retailers, and in December 2004, the Federal Court of Appeal ruled that the tariff approved by the Copyright Board was invalid. The CPCC sought leave to appeal this decision to the Supreme Court of Canada. In July 2005, the Supreme Court of Canada denied the CPCC's application for leave to appeal.

In February 2007, the CPCC applied to the Copyright Board for a levy on digital audio recorders in its proposed 2008-2009 Tariff. The Copyright Board held that it could hear evidence relating to this proposal. The 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.

CANADA

COURT CASES

Litigation is commenced by the CPCC in order to enforce compliance with the Copyright Act and the private copying tariffs; no cases currently pending.

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff valid per unit
CD-R/CD-RW/CD-RA/CD-RWA	0.29/unit

REVENUES

Collection in '000 CAD	2019	2020	2021	2022	2023	2024
Digital devices	1,149	870	936	609	536	333
Total	**1,149**	**870**	**936**	**609**	**536**	**333**

EXPLANATION ON DEVELOPMENTS

As a result of the limitation to CD-R media, revenue from the levy continues to decline rapidly.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

PARAGUAY

6.887 M GDP: EUR 40.66 Bn

CONTACT INFORMATION

COUNTRY	Paraguay	
CURRENCY	PYG	
NAME ORGANIZATION	APA	AIE
WEB SITE	http://www.apa.org.py	www.aieparaguay.org.py
E-MAIL	internacional@apa.org.py	info@aieparaguay.org.py

OVERVIEW

EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	Tariffs are paid before merchandise is released from customs. The payment is a condition for customs authorities to authorize the withdrawal of the merchandise.
BENEFICIARIES	Authors of works, performers and producers of phonograms, in three equal parts of the net amount collected
LIABLE	Manufacturer and importers
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	Yes

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By law/regulatory decree

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Legal provisions in the copyright law and decrees. Proportionality to actual usage of works

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

Tariffs are updated at irregular intervals. There is a Tariff Regulation approved by the APA General Assembly; the current one has been in force since 2018.

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

No

PARAGUAY

EXEMPTION AND REFUND

EXEMPTION IN CASE OF EXPORT?

Yes

ARE THERE EXEMPTIONS FROM THE LEVY PAYMENT OBLIGATION IN CASE OF PROFESSIONAL USE?

Yes

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

Importers under the "Tourism Shopping Regime" (Regímen de Turismo de Compras) are exempt. Import companies located in designated border shopping zones whose trade is directed at foreign natural persons not domiciled in Paraguay (e.g. Ciudad del Este on the Brazil border) are exempt from paying private copying remuneration.

EXEMPTION (EX-ANTE)?

The National Directorate of Tax Revenue (DNIT) will grant an exemption to the importing company covered by the Tourism Shopping Regime (border importers).

REFUND?

The system does not use ex-post refunds. All adjustments/exemptions must be handled in advance.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Importers must go to AIE and pay the 0.5% levy on the import value before customs clearance. Proof of payment is needed for customs to release the goods. AIE distributes the collected amounts monthly among the three CMOs.

HOW FREQUENTLY IS PAYMENT DUE?

Payments are made regularly, per batch of imported products, depending on the value of each imported lot that is subject to the levy.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

There is close collaboration. Payment of the private copying remuneration is a mandatory condition for the customs authority to issue the import clearance (Despacho de Importación) for levied products. Thus, customs effectively enforce the obligation to pay.

ARE EXPORTS EXEMPTED?

Yes

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

At national level, AIE collects and then **distributes monthly** the net national amount among the three CMOs (APA, SGP, AIE).
Within **music / audiovisual repertoire**, AIE is the distributing body for performers; APA distributes to authors, SGP to producers, under their own internal rules.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

30% Administrative Expenses

PARAGUAY

DISTRIBUTION PROCESS

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

There is a legal/regulated maximum: **every four (4) months** from collection.

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, Performers, Producers of phonograms, Publishers are not entitled to a share of these private copying amounts.

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Set or approved by an **administrative authority/commission** and **subject to state approval/review**.

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Through **automatic, periodic distributions** by their CMO; no individual claim procedure is required.

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

Yes, 10% from the distributable sum

HOW IS THE AMOUNT/PERCENTAGE OF SOCIAL AND/OR CULTURAL DEDUCTIONS DETERMINED?

Decisions are taken solely by the CMO (APA) - not jointly with the government.

WHAT IS THE PURPOSE OF THE DEDUCTION AND WHO CAN BENEFIT?

Social benefits for authors in need, especially for **health** or **elderly authors** whose creative activity is limited. Cultural support and promotion of creativity for projects declared to the society.

LEGAL BASIS

EXCEPTION AND LEVY

Articles 34 of the Law No. 1.328/98 on Copyright and Neighboring Rights of 1998

34. The owners of the rights in works published in graphic form or in the form of videograms or phonograms or any kind of sound or audiovisual recording shall have the right to a share in the compensatory remuneration for reproductions of those works or products that are made exclusively for personal use by means of non-typographical technical apparatus.

LEVY ONLY

Articles 34-35 of the Law No. 1.328/98 on Copyright and Neighboring Rights of 1998

34. [...] The remuneration shall be determined according to the equipment, apparatus and materials used for making the reproduction. Payment shall be proved by an identifying mark on the recording or reproduction apparatus and on the physical materials used for the duplication, as appropriate. Copyright owners may incorporate anti-copying technology and oversee the reproduction of their work.

PARAGUAY

LEGAL BASIS

LEVY ONLY

35. The foregoing remuneration shall not be payable for equipment and materials that are used by the producers of audiovisual works and phonograms and publishers or their licensees, neither shall it be payable by studios concerned with sound recordings or the post synchronization of sound and images, or companies that work under contract to any of them, with respect to the legitimate production or reproduction of their works and products, provided that the equipment or media in question are intended solely for such activities.

Article 44 of the Law No. 1.328/98 on Copyright and Neighboring Rights of 1998

The exclusively personal copying of works published in graphic form or in the form of sound or audiovisual recordings shall be lawful where the compensatory remuneration referred to in Chapter IV of Title IV of this Law has been paid. The reproductions allowed under this Article shall not however extend to the following:

1. reproduction of a work of architecture in the form of a building or other construction.
2. reproduction of the whole of a book or musical work in graphic form, or of the original or a copy of a work of fine art executed and signed by the author;
3. a database or compilation of data.

Decree No. 6.780/11 regulating Chapter IV Rights to Compensatory Remuneration' of Law No. 1.328/98 'on Copyright and Neighboring Rights'

The Decree No. 6780/11 determines the equipment and media subject to the levy as well as the rates.

Exemptions from payment of compensation applies to:

- Professional uses;
- Equipment and materials to be used by producers of audio-visual works, phonograms and publishers, or by their respective licensees and companies working on behalf of any of them, for legitimate production or reproduction of those works, provided that such equipment is used exclusively for these activities.

COLLECTION AND DISTRIBUTION SYSTEMS

Articles 36-37 of the Law No. 1.328/98 on Copyright and Neighboring Rights of 1998

36. The collection and distribution of the remuneration referred to in this Chapter shall take place through the appropriate collective management bodies, which shall centralize collection either by delegating it to one of their members or by setting up a collecting agency with its own legal personality.

37. Within the six months following the entry into force of this Law the Executive, on a proposal by the National Directorate of Copyright, shall specify the owners entitled to remuneration and shall regulate the procedure for determining the equipment and material for which it is payable, its amount and the methods of collection and distribution. The National Directorate of Copyright shall decide what exemptions are appropriate and may also broaden the liability for payment of remuneration referred to in Article 34 to include those who distribute the material mentioned therein to the public.

Article 12 of the Decree n°4145 establishes 90% of the net amount collected will be distributed in equal parts to: authors, phonographic producers, and performing artists.

PARAGUAY

LEGAL DEVELOPMENTS

The Tourism Shopping Regime decrees (Nos. 2063/2024 and 4145/2025) exempt certain border-zone importers from the levy, reducing revenue.

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES?

Some legislators argue that the liable party for private copying remuneration should be the final user and not the importer, but there are no formal bills yet.

COURT CASES

In the last 10 years, the Supreme Court of Justice has declared Article 34 of Law 1328/98 unconstitutional in three cases brought by individual importing companies. As a result, these importers are exempt from payment, often for large volumes of levied products, significantly impacting collections.

The unconstitutionality rulings only benefit the specific importers who filed them, but these decisions (1) led to reduce total collection, (2) are based mainly on commercial/constitutional arguments and (3), do not adequately take into account the international and national recognition of authors' rights (e.g. Berne Convention).

EXPLANATION ON DEVELOPMENTS

In recent years, revenues tend to decrease due to Decree No. 2063/2024, which creates the "Tourism Shopping Regime" for the import and sale of certain goods to foreign individuals not resident in Paraguay. This decree exempts importers located in border shopping areas (e.g. Ciudad del Este) from paying private copying remuneration on qualifying imports. Since many high-volume importers of levied products operate in these border zones, this exemption significantly reduces collections.Decree 4145 establishes that 10% of the net amount collected will be destined to the promotion and respect of intellectual property rights and the fight against piracy, and 90% of the net amount collected will be distributed in equal parts to: authors, phonographic producers, and performing artists.

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (PYG) per unit
Smartphones	0.50
Tablets	0.50
Smartphones	0.50
External HD	0.50
SD and Micro SD memory cards	0.50
USB Sticks	0.50
Set top BOX with hard drive	0.50
Reprographic devices (devices only for copying text and images)	0.50

PARAGUAY

REVENUES

Collection in '000 PYG	2019	2020	2021	2022	2023/2024
Total	**10,064,770**	**11,432,172**	**17,923,268**	**14,356,148**	**(Unreported)**

Notes:
In Paraguay, the distribution of remuneration for private copying is governed by the current decree, which establishes that administrative management costs may not exceed 15% of gross revenue. Of the resulting net amount, 10% is allocated to the promotion and enforcement of intellectual property rights and the fight against piracy, through programmes run by the National Directorate of Intellectual Property (DINAPI). The remaining 90% is distributed equally among the three recognised collective management societies: Autores Paraguayos Asociados (APA), the Sociedad de Gestión de Productores Fonográficos del Paraguay (SGP) and the Entidad Paraguaya de Performing Artists (AIE-Paraguay), which administer the amounts received on behalf of their members and repertoires exclusively.

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

D

PERU

34.068 M GDP: EUR 267.19 Bn

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CONTACT INFORMATION

COUNTRY	Peru
CURRENCY	PEN
NAME ORGANIZATION	UNIMPRO
WEB SITE	https://unimpro.org
E-MAIL	info@unimpro.org

OVERVIEW

COLLECTING SOCIETY	UNIMPRO (Peruvian Union of Phonographic Producers) oversees collection and distribution of private copy income, on mandate of the following CMOs: SONIEM, APDAYC, APSAV and EGEDA
EXCEPTION	Yes: a private reproduction for a domestic use and without profit-making purpose is authorized.
LEVY	Equipment: Yes Media: Yes
BENEFICIARIES	Performers, authors and music and audiovisual producers
LIABLE	Manufacturer, distributors and importers
EXCEPTION	Professional reproduction of duly authorized producers of videograms or phonograms; broadcasting companies.
SOCIAL AND CULTURAL DEDUCTIONS	No

LEGAL BASIS

EXCEPTION AND LEVY

Article 48 (Legislative Decree No. 822 of April 23, 1996)

It shall be lawful to make copies for exclusively personal use of works, performances or productions published as sound or audiovisual recordings. The reproductions permitted by this Article shall not however include the following:

(a) the reproduction of a work of architecture in the form of a building or any other structure;

(b) the reproduction of the whole of a book, a musical work in written form or the original or a copy of a three-dimensional work made and signed by the author;

(c) a database or compilation of data.

PERU

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LEGAL BASIS

LEVY

Article 20 of the Law on Performers (Law No. 28131 of 2003) – Compensation for private copying

20.1 Reproduction that is carried out exclusively for private use of works or artistic performances in the form of videograms or phonograms, on media or materials capable of embodying them, shall lead to the payment of compensation for private copying, which is to be shared between the performer, the author and the producer of the videogram and/or phonogram, in the form and percentages established by the Regulations.

20.2 Compensation for private copying shall not constitute a tax. The income derived for that purpose shall be governed by the applicable tax regulations.

20.3 This compensation shall be paid by the domestic manufacturer and the importer of suitable media or materials that permit the reproduction referred to in the preceding paragraph.

20.4 Duly authorized producers of videograms or phonograms as well as broadcasting companies shall be exempt from payment in respect of media or materials for the reproduction of phonograms and videograms for purposes of their activities.

20.5 Compensation shall be determined according to the appropriate media, whether existing or yet to be created, for making that reproduction in accordance with the provisions of the Regulations.

COLLECTION AND DISTRIBUTION SYSTEMS

Article 20 of the Law on Performers (Law No. 28131 of 2003) – Compensation for private copying

20.6 The form of collection and other aspects not provided for in this Law shall be established in the Regulations.

Notes

Rightsholders have attempted to fix levies on devices, in particular on digital devices, but they were challenged as unlawful before the Peruvian Copyright Authority and a decision of Supreme Court - Cassation judgement N°4534-2011:

"The payment of a compensation for private copying has been regulated as an obligation to redress an act that truly affects rights (through the reproduction with private purposes), not as a tax or pecuniary payment that objectively affects an activity (e.g. manufacture or sale items to carry out reproduction acts) with the purpose of compensate the economic rights prejudice suffered – in abstract- by authors, artists or producers, for individualized acts. In such way, under this regulatory model producers or sellers of these item couldn't be obligated to the payment of a compensation for private copying by this mere fact (because it's evident that… this kind of hardware are not destined only for the reproduction of works, but also as a storage device of any other kind of information), but for the fact of being the cause in a production and sale that finally took to reproduce the work".

NORTH & SOUTH AMERICA: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

D

UNITED STATES

340.102 M **GDP: EUR 26975.6 Bn**

CONTACT INFORMATION

COUNTRY	United States
CURRENCY	USD
NAME ORGANIZATION	SoundExchange
WEB SITE	https://www.soundexchange.com/
E-MAIL	https://www.soundexchange.com/contact/

OVERVIEW

COLLECTING SOCIETY	In 2021, SoundExchange announced that it began collecting and distributing domestic and foreign private copy royalties, previously administered by the Alliance of Artists and Recording Companies (AARC).
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No
TARIFFS	The Audio Home Recording Act of 1992 ("AHRA") sets the fees for manufacturers/distributors or importers/distributors of equipment and media to pay.
BENEFICIARIES	Writers and directors; Sound Recording copyright owners (Producers).
LIABLE	Under AHRA, royalties must be distributed based on sales in the US during the year for which the royalties are collected – the royalty year. Royalties must be paid by required importers/distributors or manufacturers/distributors of certain digital audio recording devices, digital audio recording media and digital audio interface devices manufactured or imported and distributed in the United States.
EXCEPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

Under the AHRA, the royalty rate for devices is set at 2% of the distribution price, with a minimum of USD 1 per device and a maximum of USD 8 per device. If it is a physically integrated unit containing more than one device, the maximum rate is USD 12 per unit. For blank media, the rate is 3% of the distribution price.

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

If a device or media falls within the definitions in AHRA, the percentage fees specified in the law must be paid.

UNITED STATES

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EXEMPTION AND REFUND

EXEMPTION (EX-ANTE)?

Professional devices

REFUND/REIMBURSEMENT (EX-POST)?

Adjustments can be made for equipment or media for which fee was paid but which was not distributed because of returns, in a statement filed with the Copyright Office.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

SoundExchange began claiming international PC royalties in late 2021 and domestic PC royalties in February 2022.

HOW FREQUENTLY IS PAYMENT DUE?

Payments are made annually

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

SoundExchange must collect certain Tax Identification information from the rightsholder and keep this information on file.

DEFINITION OF IMPORT

AHRA covers the manufacturer or importer, whichever party distributes digital media in the United States for ultimate transfer to consumers in the US. There is no definition for importer.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

SoundExchange distributes annually to Featured Recording Artists and Sound Recording Copyright Owners (Producers). Distribution methods are determined by the AHRA.

FREQUENCY OF DISTRIBUTION

SoundExchange distributes annually contingent on having received the royalties from the federal government.

WHICH RIGHTS HOLDERS ARE INCLUDED?

SoundExchange represents Featured Artists and Sound Recording Copyright Owners (Producers).

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Under the Audio Home Recording Act of 1992, the royalties must be distributed based on sales of music during the year for which the royalties were collected.

UNITED STATES

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DISTRIBUTION PROCESS

DISTRIBUTION KEYS SUBMITTED?

Distribution scheme for Audio under AHRA

Sound Recordings Fund (SRF) – 2/3 of total DART fund
AHRA requires allocation of 96% to Sound Recording Copyright Owners and Featured Recording Artists. as follows:
Sound Recording Copyright Owners' Subfund – 60%
Featured Recording Artists' Subfund – 40%

The AFM & SAG-AFTRA Intellectual Property Fund
Non-Featured Artists – 4% of SRF

Musical Works Fund (MWF) – 1/3 of total DART fund
Writers' Subfund – 50% of MWF
Publishers' Subfund – 50% of MWF

Distribution scheme for video: No private copy for video

LEGAL BASIS

EXCEPTION

Audio Home Recording Act of 1992. Pub. L. No. 102-563. 106 Stat. 4237 (Oct. 28. 1992). codified at 17 U.S.C. §1001 et seq.

AHRA requires the payment of fees upon distribution of certain digital audio recording devices and digital audio recording media and the inclusion of a serial copy management system (SCMS) in all digital audio recording devices and digital audio interface devices imported, manufactured or distributed in the United States. Such a system allows unlimited first-generation digital copying of sound recordings but prevents the making of digital copies from copies.

LEVY

Devices: 2% of the distribution price with a maximum of USD 8 per device and USD 12 in the case of a physically integrated unit containing more than 1 device and USD 1 minimum.

Media: 3% for media.

COURT CASES

The AARC filed suit against certain car manufacturers who offered music recording devices in their cars. In its ruling from 18th January 2020, the Federal court rejected claims of the AARC arguing that the in-vehicle audio system that copied CD information onto internal hard drives do not qualify as digital audio recording devices under the AHRA. As a result, car manufacturers were exempted from paying the levy for private copying.
See Alliance of Artists and Recording Companies, Inc. v. Denso International America, Inc., No. 18-7141 (D.C. Cir. 2020)

Notes

No detailed information available on total collections and tariff setting. Levies have not been extended to "newer" digital media or technologies.

INTRODUCTION
ASIA

1/2

Asia is the largest and most populous region in the world, encompassing around fifty countries and territories, from Israel to Japan, including Türkiye and China.

In many countries/territories in this region, while copyright and authors' rights protection frameworks exist, private copying is not part of the legal tradition. This absence negatively impacts rightsholders, leading to lost sales and missed licensing opportunities.

Among the 48 countries/territories examined, no reference to an exception for private copying is mentioned in the law of 10 countries/territories. In 30 countries/territories, exceptions for private copying exist, but they are often minimal. The narrow wording of these exceptions leaves little room for action by local authorities to implement additional regulations that would ensure fair compensation for creators. These actions may include specific decrees or court decisions to appoint organizations responsible for collecting and distributing private copying levies or setting tariffs.

Eight countries out of the 48 countries/territories have introduced a private copying levy scheme in their domestic legislation. These are Azerbaijan, Kazakhstan, Kyrgyz Republic, Uzbekistan, Turkmenistan, Türkiye, Israel and Japan. In Azerbaijan and Kazakhstan, court cases are underway to remove obstacles to the proper implementation of a collection and distribution system. Only three countries—Israel, Japan and Türkiye—have functioning collection and distribution systems in place. However, in Japan, the scope of the levy has been outdated for some time, diminishing the system's efficiency—local actors are lobbying for an update to the devices covered to align with those currently in use. And in Türkiye, the private copying remuneration is collected by the Ministry of Culture and used for cultural programs.

In summary, no levy is currently collected and distributed in most countries and territories in this region, despite national provisions that provide for such a levy. Furthermore, some countries specifically exclude reprography from the scope of the exception (Afghanistan, Azerbaijan, Bahrain, Bhutan, Cambodia, Indonesia, South Korea, Sri Lanka, Tajikistan, and Turkmenistan).

Asia has potential in markets such as China, India and Indonesia. So far, governments have failed to respond to widespread infringement of creative works in their region. The introduction of a levy scheme would entitle Asian creators to a share of income from private copying levies in countries/territories that only distribute on a reciprocity basis.

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ASIA
COUNTRIES/TERRITORIES WITHOUT PRIVATE COPYING EXCEPTION

1/1

- BRUNEI DARUSSALAM
- HONG KONG SAR
- LAO PEOPLE'S DEMOCRATIC REPUBLIC
- MALAYSIA
- MYANMAR
- OMAN
- PAKISTAN
- PHILIPPINES
- SYRIA
- TIMOR-LESTE

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

AFGHANISTAN

42.171 M **GDP: EUR 11.32 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Afghanistan
CURRENCY	AFN

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 39 of the Copyright Law of 2008

1) Reproduction of published work is permitted by a natural person without the author's authorization provided that it is exclusively for the personal use, the followings are exceptions:

1. Reproduction of architecture work in the form of a building or construction.
2. Reproducing in copy form of copying documents (Reprography) or photography of all or an important part of book or musical work.
3. Reproducing all or part of database digitally. Reproduction [adaptation] of a computer program mentioned in the (2) paragraph of this article is not included.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

ARMENIA

2.964 M **GDP: EUR 23.6 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Armenia
CURRENCY	AMD
NAME ORGANIZATION	ARMAUTHOR
WEB SITE	www.armauthor.am
E-MAIL	info@armauthor.am / international@armauthor.am

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 23 of the Copyright and related rights law dated 15 June 2006 (last amended on 30 September 2013) - Reproduction of a Work for Private Purposes[1]

The reproduction of a work lawfully made public shall be permitted without the consent of the author and without remuneration exclusively for private, non-commercial use, which does not prejudice the legitimate interests of the author. This provision shall not apply to the reproduction of constructions and architectural works of similar structure, machine-readable databases or their substantial parts, computer programs, as well as to the reproduction of whole books and graphic editions of musical works, unless otherwise provided by this Law.

[1] Free translation

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

BAHRAIN

1.617 M GDP: EUR 43.39 Bn

1/1

CONTACT INFORMATION

COUNTRY	Bahrain
CURRENCY	BHD

OVERVIEW

EXCEPTION	Yes, an exception for the reproduction of a single copy of a legally published original work or a legal copy of work for personal use.
LEVY	No

LEGAL BASIS

EXCEPTION

Article 19 of Act No. 22 of the Year 2006 relating to the Protection of Copyright and Neighboring Rights (as amended up to Law No.5 of 2014)

It is lawful to make a single copy of a legally published original work, or of a legal copy thereof, for purely personal use without the consent of the author and without paying compensation. This does not apply to the following:

(a) Reproducing works of architecture in the form of buildings or any other construction.
(b) Making a photocopied reproduction of a (written) work, either in its entirety or a fundamental part thereof.
(c) Making a photocopied reproduction of a work of sheet music, either in its entirety or a large part thereof.
(d) Making a total or partial reproduction of databases in digital format.

Reproducing computer programs, unless pursuant to the provisions of article 26 of this Act.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

BANGLADESH

172.019 M **GDP: EUR 416.95 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Bangladesh
CURRENCY	BDT

OVERVIEW

EXCEPTION	Yes, fair use of literary, dramatic, musical, or artistic work for private study or private use.
LEVY	No

LEGAL BASIS

EXCEPTION

Article n°72 of the Copyright Act of 2000 (Act No. 28 of 2000, as amended up to Act No. 14 of 2005)

1) The following acts shall not constitute infringement of copyright, namely:

(1) Fair use of a literary, dramatic, musical or artistic work for the purpose of:

(i) private study or private use including research;

(…)

COMMENTS

A new Copyright Act went into effect in 2023 (**Act No. 34 of 2023**) that repeals the 2000 Act.
No English translation of the new Act is available

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

BHUTAN

0.79 M **GDP: EUR 2.86 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Bhutan
CURRENCY	BTN

OVERVIEW

EXCEPTION	Yes, an exception for the reproduction in a single copy of a published work for personal purposes.
LEVY	No

LEGAL BASIS

EXCEPTION

Article 10 of Copyright Act of the Kingdom of Bhutan of 2001

(1) Notwithstanding the provisions of Section 8(1) (a), and subject to the provision of subsection (2), the private reproduction of a published work in a single copy, where the reproduction is made by a physical person exclusively for his own personal purposes, shall be permitted, without the authorization of the author of, or other owner of the copyright in, the work.

(2) The permission under subsection (1) shall not extend to the reproduction:

a. of a work of architecture in the form of building or other construction;
b. where the reproduction is reprographic reproduction, or an entire book, or a substantial part thereof, or of a musical work in graphic form;
c. of a data base;
d. of a computer program, except as provided in Section 15; and
e. of any work in cases where reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author of, or other owner of the copyright in, the work.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

CAMBODIA

17.182 M **GDP: EUR 43.75 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Cambodia
CURRENCY	KHR

OVERVIEW

EXCEPTION	Yes, for the reproduction of a published work in a single copy
LEVY	No

LEGAL BASIS

EXCEPTION

Article 24 of Law on Copyright and Related Rights of 2003

The private reproduction of a published work in a single copy shall be permitted without the authorization of the author or the right-holder, where the reproduction is made by a natural person exclusively for his own personal purposes.

The permission under the preceding paragraph of this article shall not extend to the reproduction:

(a) Of a work of architecture in the form of building or other construction;
(b) In the form of reprography of the whole or a substantial part of a book, and of a musical work in the form of musical notation;
(c) Of the whole or of a substantial part of a database in digital form;
(d) Of a computer program, other than a backup copy.
(e) Of any work, in cases where reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or the right-holder.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

PEOPLE'S REPUBLIC OF CHINA

1,408.28 M **GDP: EUR 17328.78 Bn**

CONTACT INFORMATION

COUNTRY	People's Republic of China
CURRENCY	CNY
NAME ORGANIZATION	MCSC
WEB SITE	www.mcsc.com.cn
E-MAIL	international@mcsc.com.cn

OVERVIEW

EXCEPTION	Yes, use of another person's published work for purposes of the user's own personal study, research or appreciation
LEVY	No

LEGAL BASIS

EXCEPTION

Article n°24 of Copyright Law of the People's Republic of China of 1991 (amended up to 2020) - Section 4 Limitations on Rights

In the following cases, a work may be used without permission from, and without payment of remuneration to, the copyright owner, provided that the name of the author and the title of the work are mentioned and the other rights enjoyed by the copyright owner in accordance with this Law are not prejudiced:

(1) use of another person's published work for purposes of the user's own personal study, research or appreciation;

(…)

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

25.81 M **GDP: EUR 30.01 Bn EST**

CONTACT INFORMATION

COUNTRY	Democratic People's Republic of Korea
CURRENCY	KPW

OVERVIEW

EXCEPTION	Yes, Reproduction of a work for personal or family purposes is permitted.
LEVY	No

LEGAL BASIS

EXCEPTION

Article 32 of the Copyright Law of the Democratic People's Republic of Korea (as amended by Decree No. 1532 of February 1, 2006)

A copyrighted work may be used without the permission of the copyright holder in the following cases:

1. when a copyrighted work is reproduced or translated for use by an individual or within the family;

(..)

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

INDIA

1,441.72 M **GDP: EUR 3613.18 Bn**

1/1

CONTACT INFORMATION

COUNTRY	India
CURRENCY	INR
NAME ORGANIZATION	IPRS
WEB SITE	www.iprs.org
E-MAIL	admin@iprs.org

OVERVIEW

EXCEPTION	Yes, fair dealing for any work (musical, literary, dramatic, etc.; exception computer program) for personal and private use
LEVY	No

LEGAL BASIS

EXCEPTION

Article n° 52 of the Copyright Act of 1957 (as amended up to Act No. 18 of 2023)

The following acts shall not constitute an infringement of copyright, namely:

1. A fair dealing with any work, not being a computer program, for the purposes of:
   a. Private or personal use, including research;

(…)

COMMENTS

The Indian Copyright Act does not provide an exception per se; it considers that a fair dealing of works for private or personal use does not constitute an infringement of copyright.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

INDONESIA

281.604 M **GDP: EUR 1290.6 Bn**

CONTACT INFORMATION

COUNTRY	Indonesia
CURRENCY	IDR
NAME ORGANIZATION	WAMI
WEB SITE	www.wami.id
E-MAIL	info@wami.id

OVERVIEW

EXCEPTION	Yes, reproduction of works in one copy for personal use
LEVY	No

LEGAL BASIS

EXCEPTION

Article 46 Law No. 28 of 2014 on Copyright

(1) Reproduction for personal use of works that has been published may only be made for 1 (one) copy and may be carried out without permission from the Author or the Copyright Holder.

(2) The reproduction for personal purposes as referred to in section (1) does not include:

a. architectural works in the form of buildings or other constructions;
b. an entire or a substantial part of a book or musical notation;
c. an entire or a substantial part of a database in digital form;
d. Computer Programs, except as referred to in Article 45 section (1); and
e. Reproduction for personal purposes of which exercise contravenes the reasonable interests of the Author or the Copyright Holder.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

IRAN

86.626 M **GDP: EUR 370.97 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Iran (Islamic Republic of)
CURRENCY	IRR

OVERVIEW

EXCEPTION	Yes, reproduction of a work for private and non-commercial use is permitted
LEVY	No

LEGAL BASIS

EXCEPTION

Article n°11 of the Copyright Law of 1970

Reproduction of works protected by this law, as mentioned in Article 2, Section 1, and the recording of radio and television programmes are permissible, but only for private and non-commercial use.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

IRAQ

44.415 M **GDP: EUR 256.47 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Iraq
CURRENCY	IQD

OVERVIEW

EXCEPTION	Yes, reproduction in one copy for personal uses
LEVY	No

LEGAL BASIS

EXCEPTION

Article 13 Law No. 3 of 1971 on Copyright

If a person makes one copy of a published work for his/ her personal use, the work's author may not prevent him/ her from doing so.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

JORDAN

11.385 M **GDP: EUR 49.38 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Jordan
CURRENCY	JOD

OVERVIEW

EXCEPTION	Yes, reproduction of a published work for personal purposes is permitted.
LEVY	No

LEGAL BASIS

EXCEPTION

Article n°17 of The Law No. 22 of 1992 on the Protection of Copyright and Neighboring Rights (as amended up to Law No. 23 of 2014)[1]

Published works may be used without the author's permission provided that this does not conflict with normal exploitation and does not cause unjustified harm to the legitimate interests of the right holder in any of the following cases :

(...)

B- The work may be used for personal use, by making one copy of it.

C- The work may be used for musical arrangement, translation, photography, or recording.

D- The work may be used as a means of illustrating educational purposes through audio-visual recordings, programs, or publications, within the limits required by the work, for professional, religious, or educational training purposes. The use of the work in this case must not be for the purpose of achieving any material profit, provided that the aims are achieved. The author and source name must be mentioned.

(..)

[1] Free translation

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

KUWAIT

5.012 M **GDP: EUR 146.56 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Kuwait
CURRENCY	KWD

OVERVIEW

EXCEPTION	Yes, reproduction of a published work for personal purposes is permitted.
LEVY	No

LEGAL BASIS

EXCEPTION

Article 31 of the Law No. 75 of 2019 on Copyright and Related Rights[1]

Limitations and Exceptions to Rights Copyright and Related Rights

Without prejudice to the moral and financial rights of the author in accordance with the provisions of this law, third parties may use the work in certain special cases without the permission of the copyright owner and without compensating him, provided that such use does not interfere with the normal exploitation of the work and does not prejudice the legitimate interests of the right holder. The name of the author, whenever possible.

In particular, legitimate use shall include:

First: Copying the original work for the sole personal use of the duplicator in any way, provided that the work has been lawfully published and that the original copy has been lawfully acquired, except for copies of architectural works embodied in the form of buildings or any other installations.

Second: Citing paragraphs of that work in another work, provided that the citation is in line with current practice and is not essential, and to the extent justified by the desired goal, and to mention the source and the name of the author, and this applies to press abstracts transferred from newspapers and periodicals.

1. The reproduction shall not be made for commercial purpose or for profit.
2. Copies must be made at one or more separate times or times.
3. The name of the right holder and the title of the work shall be indicated on each copy.

[...]

[1] Free translation

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

LEBANON

5.354 M **GDP: EUR 26.14 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Lebanon
CURRENCY	LBP

OVERVIEW

EXCEPTION	Yes, reproduction of a published work for personal and private uses is permitted.
LEVY	No

LEGAL BASIS

EXCEPTION

Article 23 of the Law N.75 of 1999 on the Protection of Literary and Artistic Property – Chapter VI Exceptions

Without prejudice to the provisions of Article 24 of this Law, any natural person may, for his personal and private use, copy, record or make a single copy of any work protected under this Law without the authorization or consent of the copyright holder and without having to pay him any compensation, provided that the work has been legally published.

The use of a copy copied or reproduced inside a company or at any other work place shall not be considered as personal and private use.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

MACAO SAR

0.688 M **GDP: EUR 46.38 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Macao
CURRENCY	MOP
NAME ORGANIZATION	MACA
WEB SITE	www.maca.org.mo
E-MAIL	info@maca.org.mo

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 60 of the Decree-Law No. 43/99/M 1999

Freedom of private use

1. The private use of protected works shall be free unless otherwise provided.

2. The following in particular shall be considered private use:
   (a) reproduction of the work exclusively for the private purposes of the person who does it;
   (b) the performance of a dramatic or dramatico-musical work, the showing of a cinematographic work, the recitation of a literary work, the performance of a musical work and any other form of communication of a work already disclosed or published, when done without gainful intent and in a place open to the public.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

MALDIVES

0.404 M **GDP: EUR 6.49 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Maldives
CURRENCY	MVR

OVERVIEW

EXCEPTION	Yes, reproduction of a published work for personal non-commercial use is permitted.
LEVY	No

LEGAL BASIS

EXCEPTION

Section 17-18 of the Copyrights and Related Rights Act of 2010, amended up to Act No. 31/2024 - Chapter 5 Limitations and Exception[1]

Section 17 – General Limitations on Economic Rights
Notwithstanding the provisions of this Act, the use of a protected work shall be permitted without authorization from the author or payment of remuneration, provided such use is consistent with fair practice and does not conflict with the normal exploitation of the work or unreasonably prejudice the legitimate interests of the author.

Section 18 – Personal Use
A person may reproduce a work exclusively for his or her personal, private, and non-commercial use.

[1] Free translation

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

MONGOLIA

3.545 M **GDP: EUR 21.8 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Mongolia
CURRENCY	MNT
NAME ORGANIZATION	MOSCAP
WEB SITE	www.moscap.mn
E-MAIL	MoscapMongolia@gmail.co

OVERVIEW

EXCEPTION	Yes, reproduction of a published work for personal purposes is permitted as soon as it is on a non-for-profit basis.
LEVY	No

LEGAL BASIS

EXCEPTION

Article 43 of Law on Copyrights and Related Rights of 2021 (amended on 12 January 2024)

Article 43. Partial exploitation of works for private use.

43.1. Except for the provisions of Article 43.2 of this Law, an individual may duplicate a work in the public domain without the intention of making a profit for the use of his/her private use and/or his/her family use without the permission of the right holder of copyright and without compensation.

43.2. The conditions specified in Article 43.1 of this Law shall not apply to the duplication of the following works:

43.2.1. architectural works with houses and buildings;

43.2.2. computer programs;

43.2.3. databases.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

NEPAL

31.25 M **GDP: EUR 40.13 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Nepal	
CURRENCY	NPR	
NAME ORGANIZATION	CPSN	MRCSN
WEB SITE	-	www.mrcsn.org
E-MAIL	santosh@musicnepal.com	mrcsn@mrcsn.org

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 16 of the Copyright Act of 2002 (amended up to 2006)
Chapter 4 - Circumstances where the copyrighted materials can be used without authorization

16. Reproduction allowed for personal purpose: (1) Notwithstanding anything contained in Clause (a) of Section 7, no authorization shall be required from the author or the copyright owner to reproduce some portions of any published work for personal use.
(2) Notwithstanding anything contained in Sub-section (1), no reproduction of an architectural design erected as a building and other construction related design or a significant portion of any book or of a musical work as notation of all or significant portion of a database through digital transmission shall be allowed in a manner to be prejudicial to the economic right of the author or the copyright owner.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

QATAR

3.094 M **GDP: EUR 204.69 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Qatar
CURRENCY	QAR

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 18 of the Law No. 7 of 2002 on the Protection of Copyright and Related Rights
Chapter V Restrictions on Copyright and Neighboring Rights

The following uses of a protected work are permitted without the Author's authorization:

(1) using the work exclusively for personal use, through reproduction, translation, quotation, musical arrangement, acting, broadcast listening, television viewing, photography or by any other means;

(2) using the work by way of illustration for teaching, through publications, broadcasts, sound or visual recordings, films or by any other means, to the extent justified by the purpose, provided that the use is nonprofit making and the source and the name of the author are indicated.

The uses provided for in the two preceding items shall not conflict with a normal exploitation of the work or unreasonably prejudice the legitimate interests of the author;
[...]

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

SAUDI ARABIA

35.3 M **GDP: EUR 1003.2 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Saudi Arabia
CURRENCY	SAR

OVERVIEW

EXCEPTION	Yes, for personal purpose, but audio and audiovisual works are excluded.
LEVY	No

LEGAL BASIS

EXCEPTION

Copyright Law issued by Royal Decree No. M / 41 of 2 Rajab 1424H (August 30, 2003), amended by the Decision of the Council of Ministers No. 536 of 19 Shawwal 1439H (July 3, 2018)

Article 15: Exceptions

The following uses of the copyrighted work, in its original language or in translation, are lawful without obtaining the permission of the copyright owner. These forms of use are:

(1) Copying the work for personal use, excluding computer software, audio and audio-visual.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

SINGAPORE

6.037 M **GDP: EUR 505.95 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Singapore
CURRENCY	SGD
NAME ORGANIZATION	COMPASS
WEB SITE	www.compass.org.sg
E-MAIL	enquiry@compass.org.sg

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Copyright Act of 2021 - Private and domestic use

299.- (1) If the condition in subsection (2) is met, it is a permitted use for a person to

(a) make a copy of any of the following material:
(i) a broadcast;
(ii) a cable programme;
(iii) a recording of a protected performance; or

(b) record a protected performance live.

(2) The copy or recording must be for the private and domestic use of the person.

(3) A permitted use under subsection (1)(a) is also a permitted use of a work or protected performance included in the material.

(4) A permitted use under subsection (1)(b) is also a permitted use of a work included in the performance.

(5) For the purposes of this section, a copy or recording is not made for private and domestic use if it is made for the purpose of —
(a) commercial dealing;
(b) broadcasting;
(c) inclusion in a cable programme; or
(d) causing the relevant visual images and sounds to be seen or heard (or both) in public.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

SOUTH KOREA

51.751 M **GDP: EUR 1728.18 Bn**

1/1

CONTACT INFORMATION

COUNTRY	South Korea
CURRENCY	KRW
NAME ORGANIZATION	KOMCA
WEB SITE	www.komca.or.kr
E-MAIL	inter05d@komca.or.kr

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article n°30 of the Copyright Act of 1957 (as amended in 2024)

(Reproduction for Private Use) It shall be permissible for a user to reproduce in private, without any commercial purposes, a work already made public, within the limit of personal, family or the equivalent use: Provided, That this shall not apply to the case of reproductions by a duplicating equipment prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, such as photocopying equipment, scanners, and cameras installed for use by the general public.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

SRI LANKA

22.882 M **GDP: EUR 91.47 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Sri Lanka
CURRENCY	LKR

OVERVIEW

EXCEPTION	Yes, exception for a private reproduction of a published work in a single copy
LEVY	No

LEGAL BASIS

EXCEPTION

Article 12 of the Intellectual Property Act No. 36 of 2003 - Act of Fair Use

(1) Notwithstanding anything contained in paragraph (a) of subsection (1) of section 9 and subject to the provisions of subsection (2) of this section, the private reproduction of a published work in a single copy shall be permitted without the authorization of the owner of the copyright, where the reproduction is made by a physical person from a lawful copy of such work exclusively for his own personal purposes.

(2) The permission under subsection (1) of this section shall not be extended to the reproduction:

(a) of a work of architecture in the form of a building or other constructions;
(b) in the form of reprography of the whole or a substantial part of a book or of a musical work in the form of notations;
(c) of the whole or a substantial part of a data base;
(d) of a computer program, except as provided in subsection (7); and
(e) of any work, in case the reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the owner of the copyright.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

TAIWAN, CHINESE TAIPEI

23.4 M **GDP: EUR 723.21 Bn**

CONTACT INFORMATION

COUNTRY	Taiwan (ROC)
CURRENCY	TWD
NAME ORGANIZATION	MÜST
WEB SITE	www.must.org.tw
E-MAIL	international@must.org.tw

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 51 of the Copyright Act of May 2019 (amended in 2022)

Within a reasonable scope, where for non-profit use by an individual or a family, a work that has been publicly released may be reproduced by a machine that is either located in a library or is not provided for public use.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

TAJIKISTAN

10.188 M **GDP: EUR 12.52 Bn**

CONTACT INFORMATION

COUNTRY	Tajikistan
CURRENCY	TJS

OVERVIEW

EXCEPTION	Yes, reproduction of a published work for exclusively personal purposes is permitted.
LEVY	No

LEGAL BASIS

EXCEPTION

Article 19 of the Law on copyright and related rights of 1998 (as amended up to 2009)[1]

Reproduction of a work for personal purposes without the author's consent and without payment of royalties.
It is permitted, without the consent of the author or other copyright holder and without payment of royalties, to reproduce another person's lawfully published work exclusively for the purpose of satisfying personal needs, provided that this does not harm the normal use of the work and does not infringe on the legitimate interests of the author, except in cases provided for in Article 39 of this Law. The provisions of this article do not apply to:

1) reproduction of works of architecture in the form of buildings and similar structures;
2) reproduction of databases or substantial parts thereof;
3) reproduction of a computer program, except in cases provided for in Article 24 of this Law;
4) reproduction of books (in full) and musical scores;
5) any unauthorized reproduction made available to the public for interactive use.

[1] Free translation

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

THAILAND

70.266 M **GDP: EUR 486.56 Bn**

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CONTACT INFORMATION

COUNTRY	Thailand
CURRENCY	THB
NAME ORGANIZATION	MCT
WEB SITE	www.mct.in.th
E-MAIL	info@mct.in.th

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Part 6 Exceptions to Infringement of Copyright - Section 32 of the Copyright Act B.E. 2537 of 1994 (as amended up to 2018)

"Section32"
An act against a copyright work under this Act of another person which does not conflict with normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate rights of the owner of copyright shall not be deemed an infringement of copyright.

Subject to the provision in the first paragraph, the following acts in relation to a copyright work shall not be deemed an infringement of copyright:

(1) research or study of the work which is not for profit;
(2) use for personal benefit or for the benefit of the user and his family members or close relatives;
(...)

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

UNITED ARAB EMIRATES

10.999 M **GDP: EUR 496.42 Bn**

1/1

CONTACT INFORMATION

COUNTRY	United Arab Emirates
CURRENCY	AED
NAME ORGANIZATION	ERRA
WEB SITE	https://erra.org.ae
E-MAIL	info@erra.org.ae

OVERVIEW

EXCEPTION	Yes, reproduction of a published work for personal and non-commercial purposes is permitted.
LEVY	No

LEGAL BASIS

EXCEPTION

Article 22 of the Federal Decree-Law No. 38 of 2021 on Copyrights and Neighboring Rights[1]

Without prejudice to the moral rights of the author under this Decree-Law, and provided that this does not conflict with the normal exploitation of the work or cause unjustified harm to legitimate interests, the author may not after publishing his work prevent others from carrying any of the following act:

(1) Making a single copy of the work for personal, non-profit or professional copying use with the following exceptions:

a. Excluded are works of fine or applied art unless placed in a public place with the consent of the right holder or his successors.
b. Works of architecture works, if permanently located in public places.
c. Computer programs, their applications and databases except in accordance with Clause 2 of this Article.

[...]

[1] Free translation

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

VIETNAM

101.3 M **GDP: EUR 424.69 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Vietnam
CURRENCY	VND
NAME ORGANIZATION	VCPMC
WEB SITE	www.vcpmc.org
E-MAIL	info@vcpmc.org

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Article 25 Law No. 50/2005/QH11 of 2005, on Intellectual Property, amended and supplemented in 2022

1. Cases of use of published works where permission or payment of royalties and/or remunerations is not required include:

a) Duplication of works by authors for scientific research or teaching purpose;
b) Reasonable recitation of works without misrepresenting the authors' views for commentary or illustrative purpose;
c) Recitation of works without misrepresenting the authors' views in articles published in newspapers or periodicals, in radio or television broadcasts, or documentaries;
d) Recitation of works in schools for lecturing purpose without misrepresenting the authors' views and not for commercial purpose;
e) Reprographic reproduction of works by libraries for archival and research purpose;
f) Performance of dramatic works or other performing-art works in mass cultural, communication or mobilization activities without collecting any charges in any form;
g) Audiovisual recording of performances for purpose of reporting current events or for teaching purpose;
h) Photographing or televising of plastic art, architectural, photographic, applied-art works displayed at public places for purpose of presenting images of such works;
i) Transcription of works into Braille or characters of other languages for the blind;
j) Importation of copies of others' works for personal use.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

YEMEN

40.583 M **GDP: EUR 17.66 Bn**

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CONTACT INFORMATION

COUNTRY	Yemen
CURRENCY	YER

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

EXCEPTION

Law No. 15 of 2012 on the Protection of Copyright and Related Rights

Chapter VII - Exceptions and restriction of Financial Rights
Article (40) The following actions may take place without the permission of the author or to whom the right has been assigned.

1. Personal use of the work through copying, translating, quotation, or TV viewing provided this use does not violate or harm the legitimate interests of the author.

2. Using the work for educational or training purposes whether the work is published or included in a TV or radio program, a phonogram, or audiovisual recording to the extent that it achieves the purpose with due reference be made to the source and name of the author, and provided this use shall not be performed to achieve financial profit.

3. Quoting items or excerpts from another work with the objective of clarification, explanation or critique to the extent that it achieves the purpose and with due reference made to the source and name of the author. This exception shall apply to the items taken from articles and journalist periodicals.

4. Taking photographs of any entity that has been previously photographed.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS D

AZERBAIJAN

10.249 M GDP: EUR 68.69 Bn

CONTACT INFORMATION

COUNTRY	Azerbaijan
CURRENCY	AZN
NAME ORGANIZATION	Directors Guild of Azerbaijan (AzDG)
WEB SITE	www.audiovisual.az
E-MAIL	info@audiovisual.az

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Intellectual Property Office
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: No
BENEFICIARIES	Authors, performers and audiovisual work producers with respect to audiovisual works. Performers and phonogram producers with respect to phonograms.
LIABLE PARTIES FOR PAYMENT	Manufacturers, importers
LEGAL OBLIGATIONS FOR THOSE LIABLE UNDER THE LEVY SYSTEM	☑ Payment ☑ Disclosure - parties must provide information on the type and quantity of levied products placed on the market on request ☑ Reporting - parties must report the type and quantity of imported items
EXEMPTION	Export and professional use
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

Levies are determined according to an official procedure set by law. CMOs and debtors negotiate the remuneration based on the actual number of copies made (empirical study) and the estimation of the harm caused. Rates are negotiated at irregular intervals.

REFURBISHED DEVICES

Refurbished devices are not subject to PC Levy.

EXEMPTION AND REFUND

Export and Professional uses are exempted from the levy payment obligation.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

AZERBAIJAN

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COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of Customs authorities to administer levy reporting and payment

HOW FREQUENTLY IS PAYMENT DUE?

Quarterly

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

The State Tax Service under the Ministry of Economy of the Azerbaijan Republic, the State Statistical Committee and other relevant bodies shall provide the required information on manufacturers and importers of equipment and material carriers used for copying once a quarter, upon request of the İntellectual Property Agency of the Republic of Azerbaijan (hereinafter referred to as the Agency) to ensure efficiency in the calculation and payment of royalties for copying audiovisual works and phonograms for personal purposes without receiving income.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATION TOWARDS RIGHTSHOLDERS?

AzDG (audiovisual works)
Intellectual Property Agency (audio works)

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTING PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

Yes

WHICH RIGHTS HOLDERS ARE INCLUDED?

Authors (40%)
Performers (30%)
Phonogram Producers (30%)

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Fixed by the legislator

HOW DO RIGHTSHOLDERS CLAIM THEIR DISTRIBUTION?

Automatic/periodic distribution through CMOs

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

Yes

HOW IS THE AMOUNT/PERCENTAGE OF SOCIAL AND/OR CULTURAL DEDUCTIONS DETERMINED?

Mandated by law

WHAT IS THE PURPOSE OF THE DEDUCTION AND WHO CAN BENEFIT?

The purpose is to support social and cultural initiatives. The target recipients are educational institution, cultural organizations, artists and creators, social welfare initiative and non-profit organizations.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

AZERBAIJAN

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LEGAL BASIS

EXCEPTION AND LEVY

Article n°17 of the Law of the Republic of Azerbaijan on Copyright and Related Rights (as amended up to Law of April 30, 2013)

1. It shall be permissible to reproduce one copy of works previously published lawfully for personal purposes without the consent of author or other copyright owner and without payment of author's remuneration, on non-profit basis.

2. The provisions of paragraph 1 of this Article shall not be applied to followings:

- reproduction of works of architecture in the form of buildings and structures;
- reproduction of databases or substantial parts thereof;
- reproduction of computer programs, except for the cases provided for in Article 24 of this Law;
- reprographic reproduction of books (on the whole), sheet music and original works of fine art;
- reproduction of work without the consent which communicated to the public interactively;
- any reproduction of work prejudicing normal use or unreasonably limiting author's interests communicated to the public interactively.

LEVY ONLY

Article n°17 of the Law of the Republic of Azerbaijan on Copyright and Related Rights (as amended up to Law of April 30, 2013)

3. While reproducing audiovisual work or phonogram for personal and non-commercial purposes, authors, performers and audiovisual work producers with respect to audiovisual work, performers and phonogram producers with respect to phonograms shall be entitled to receive remuneration. Indicated remuneration shall be paid by the manufacturer or importer of equipment used for reproduction (audio and videotapes, other equipment and material media (audio or video cassettes, laser discs and other material media). Minimum amount, portion and procedure for paying the remuneration indicated in this Article shall be determined by the relevant executive body.

(…)

5. In case the equipment and material media indicated in the third paragraph of this Article are exported and are professional and not designed for use in recording in home conditions, no remuneration shall be paid for them. When indicated equipment and materials are imported by natural people for personal purposes only, no remuneration shall be paid.

COLLECTION AND DISTRIBUTION SYSTEMS

Article n°17 of the Law of the Republic of Azerbaijan on Copyright and Related Rights (as amended up to Law of April 30, 2013)

4. The collection and portion of remuneration indicated in the third paragraph of this Article shall be carried out by the organization managing the economic rights of authors, performers and phonogram producers collectively, in accordance with the contract concluded among them. Unless otherwise stipulated in the indicated contract, the remuneration shall be divided in following portion: 40%-to authors, 30%-to performers, 30%-to phonogram producers.

The amount and procedure for paying the remuneration shall be determined by a contract concluded between the indicated manufacturer or importer on the one hand, and authors, performers and audiovisual work and phonogram producers or collective management organizations managing their economic rights on the other hand. In the event that parties cannot agree, the indicated amount and procedure shall be determined by the relevant executive body of the Republic of Azerbaijan in the field of copyright.

Portion of remuneration for personal purposes as indicated in the first paragraph of this Article, shall be implemented among authors or other owners of rights, performers and phonogram producers in an ordinary way.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

AZERBAIJAN

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COURT CASES

There is currently an ongoing court case. Some industry debtors and organizations deny responsibility for or refuse to make payments on certain storage media/devices.

They argue that devices like phones and tablets are primarily used for personal purposes and, therefore, should not be subject to payment for private copying purposes. Additionally, they argue that some storage devices (such as memory cards or USB drives) are primarily for personal or commercial use, and the imposition of fees on these devices is questioned.

Another common argument is the evolution of technology, with claims that some devices do not regularly lead to significant copying activities, and therefore, the charges applied to these devices are not considered fair.

The proposal is to establish a list of devices to avoid future misunderstandings and disputes.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS D

KAZAKHSTAN

20.129 M **GDP: EUR 263.25 Bn**

CONTACT INFORMATION

COUNTRY	Kazakhstan
CURRENCY	KZT
NAME ORGANIZATION	KazAK
WEB SITE	www.kazak.kz
E-MAIL	kazak@kazak.kz

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Administrative (The Ministry of Justice, the IP Department)
EXCEPTION	Yes
LEVY	Equipment: Yes Storage Media: Yes Cloud Storage, NPvR and Reprography: No
TARIFFS	Tariff is set by negotiation. The remuneration rate for private copying was then approved by the decree of the Government of the Republic of Kazakhstan of June 26, 2023 (No 514) in the amount of 0.35% of the customs value of equipment and the list of equipment and material carriers was approved by the Order of the Minister of Justice of the Republic of Kazakhstan of March 17, 2015 (No 159).
BENEFICIARIES	Authors, Performers and Producers
LIABLE PARTIES FOR PAYMENT	Manufacturers and importers
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	Maximum percentage set in the Law

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

The remuneration amount is set by negotiation, as per Article 26.5 of the Law on Copyright and Related rights (1996):
"The amount of remuneration and the terms for its payment shall be defined by the agreement, concluded between the mentioned manufacturers and importers on the one hand and the organizations, managing the property rights of authors, performers and producers of phonograms on a collective basis, on the other hand, and in the case if the parties fail to reach such an agreement – by the authorized body of the Republic of Kazakhstan."

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

At irregular intervals, the agreement between KazAK and Eurasian Union of Rightsholders, the organisation entitled for PC collection, was concluded in 2019 for three years. Within three years, KazAK received the remuneration only once.

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

Yes

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

KAZAKHSTAN

EXEMPTION AND REFUND

EXEMPTION AND REFUND

Exemption for export and professional use, its administration is managed by the Ministry of Justice.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of CMOs to request reporting and payment from industry debtors

HOW FREQUENTLY IS PAYMENT DUE?

Annually

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

KazAK (music)

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS DETERMINED BY LAW?

Yes, the law sets a maximum at 30%.

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER ITS COLLECTION?

Yes, the law sets the time limit to once a quarter.

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Through free negotiations and based on court decision

HOW DO RIGHTSHOLDERS CLAIM THEIR DISTRIBUTION?

Automatic/periodic distribution through CMOs

DISTRIBUTION KEYS

40% to authors
30% to performers
30% to the phonogram producers

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

HOW IS THE AMOUNT/PERCENTAGE OF SOCIAL AND/OR CULTURAL DEDUCTIONS DETERMINED?

Yes, special funds are foreseen in the law with the purpose of serving the interests of rightsholders. The target beneficiaries are the owners of copyright and related rights. Specifically, the Law on Copyright and Related rights states, Art.46.1.2. "....as well as the amounts that shall be directed to special funds created by this organization with the consent and in the interests of the owners of copyright and related rights it represents."

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

KAZAKHSTAN

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SOCIAL AND CULTURAL FUNDS

WHICH AUTHORITY DECIDES ON THE USE OF CULTURAL DEDUCTIONS?

The Government or an entity formed by the government independently.

LEGAL BASIS

EXCEPTION AND LEVY

Art. 26 of Law on Copyright and Related Rights 1996

(1) The reproduction for personal purposes of audiovisual work or of the sound recording of a work shall be permissible without the consent of the author of the work, the performer or the phonogram producer, but subject to payment of remuneration to them.

LEVY ONLY

Art. 26 of Law on Copyright and Related Rights 1996

(2) The remuneration for reproduction as referred to in paragraph (1) shall be paid by the manufacturers or importers of the equipment (sound recording equipment, videocassette recorders, etc.) and of the recording material (tape and cassettes for sound or video recording, compact discs, etc.) used for the reproduction.

(..)

(5) The amount of the remuneration and the conditions for its payment shall be determined by agreement between the aforementioned manufacturers and importers, on the one hand, and the organizations that manage the property rights of authors, phonogram producers and performers on a collective basis, on the other hand, and, if the parties fail to agree, by a statutory body of the Republic of Kazakhstan.

(6) No remuneration shall be paid for the recording equipment and material referred to in paragraph (2) that are exported or that constitute professional equipment and material not intended for use in home recording.

COLLECTION AND DISTRIBUTION SYSTEMS

Art. 26 of Law on Copyright and Related Rights 1996

(3) The collection and distribution of such remuneration shall be carried out by one of the collective management organization of the rights of authors, of phonogram producers and performers in accordance with an agreement between these organizations (Article 43 of this Law).

(4) Unless otherwise agreed, the said remuneration shall be distributed as follows: forty percent to the authors, thirty percent to the performers and thirty percent to the phonogram producers.

COURT CASES

In 2021, there were 16 court cases involving users denying their payment obligations. Of these, licensing agreements were signed for two of the claims out of court.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

KAZAKHSTAN

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TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff per device
Smartphones	0.35% of the customs value
Tablets	0.35% of the customs value
SD and Micro SD memory cards	0.35% of the customs value
USB Stick	0.35% of the customs value
Set top BOX with hard drive	0.35% of the customs value

REVENUES

Collections ('000) KZT	2019	2020	2021	2022	2023	2024
Digital Devices	-	-	4,047	7,932[1]	4,049[2]	-
Percentage distributed to Musical - Audiovisual Works/CMOs	-	-	100%	100%	100%	-

[Exchange rate KZT/EUR: 0.00166 (Nov 2025)]

[1] Residue from 2021 collection. The CMO for PC in his official state reports stated that no collections were made in 2022.
[2] Residue from previous collections. The CMO for PC in his official state reports stated that no collections were made in 2023.

COMMENTS

The Law on Copyright and Related Rights (1996) of the Republic of Kazakhstan stipulates that the remuneration from the private copying (PC) shall be distributed as follows: 40% to the authors, 30% to the performers, 30% to the phonogram producers, unless otherwise agree. Only reproduction of audio-visual works or audio-recording of works are entitled for the PC remuneration. No other types of works are included.

The authors of visual and written works are excluded from compensation for private copying of text and images if they are not part of an "audio-visual work or audio-recording of work".

The category "phonogram" includes the following recipients: the author of the text, the author of the music, the performer, the producer of the phonogram.
The category "audiovisual work" includes the following recipients: the author of the script, the author of the musical work (with or without text), specially created for this audiovisual work (composer), the director of production, the director of photography, the production designer.

Collection and distribution system:
According to the Law on Copyright and Related Rights of the Republic of Kazahstan (1996), Art. 26, collection and distribution of the remuneration shall be made by one of the organizations, managing the property rights of authors, performers and producers of phonograms on a collective basis, in accordance with the agreement, concluded between the organizations (Article 43 of this Law).

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

KAZAKHSTAN

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COMMENTS

The collection and distribution systems are not functioning in practice as the organisation the Eurasian Union of Rightsholders, that holds the State accreditation for PC does not function in the market. There is no valid agreement between KazAK and the CMO collecting PC. The CMO for PC is connected to representation of Russian interests and lacks accountability and transparency in its operations.

The agreement that existed previously between KazAK and CMO for PC, signed in 2019 and valid until 2021, was declared illegal by the court on the grounds that it was signed in the name of the General Director of KazAK by a person who had been dismissed from the position of General Director by the time of signing.

Several court cases have been filed questioning the legitimacy of the accreditation granted to the Eurasian Union of Rightsholders, accusing the Ministry of Justice of issuing the accreditation on false grounds and having ties to the organization. The Eurasian Union of Rightsholders is closely associated with promoting Russian influence within copyright in Kazakhstan and advancing Russian interests. It lacks credibility and transparency.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS D

KYRGYZ REPUBLIC

7.077 M GDP: EUR 16.17 Bn

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CONTACT INFORMATION

COUNTRY	Kyrgyz Republic
CURRENCY	KGS

OVERVIEW

EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes
BENEFICIARIES	Authors, performers and producers of phonograms
LIABLE PARTIES FOR PAYMENT	Manufacturer and importer
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By the Government of Kyrgyz Republic

LEGAL BASIS

EXCEPTION AND LEVY

Art. 26 of Law of the Kyrgyz Republic on Copyright and Related Rights (a amended in June 2011 and March 2023)[1]

1. Notwithstanding the provisions of Articles 16, 37 and 38 of this Act shall be allowed without the author's consent, performers and phonogram producers, but with payment of their remuneration, visual work or sound recording works solely for personal purposes.

LEVY ONLY

Art. 26 of Law of the Kyrgyz Republic on Copyright and Related Rights (a amended in June 2011 and March 2023)[1]

1. Notwithstanding the provisions of Articles 16, 37 and 38 of this Act shall be allowed without the author's consent, performers and phonogram producers, but with payment of their remuneration visual work or sound recording works solely for personal purposes.

2. Award for reproduction referred to in paragraph 1 of this Article shall be paid by the manufacturers or importers of equipment (audio and video recorders, other equipment) and media (audio and (or) videotapes and cassettes, laser discs, compact discs and other material carriers) used for such reproduction.

List of equipment and media, as well as the size and procedure for collecting appropriate means approved by the Government of the Kyrgyz Republic.

(…)

3. Remuneration shall not be paid for the equipment and material referred to in the first subparagraph of paragraph 2 of this article, which are subject to export, as well as professional equipment, not intended for home use.

[1] Free translation

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

KYRGYZ REPUBLIC

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LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

Art. 26 of Law of the Kyrgyz Republic on Copyright and Related Rights (a amended in June 2011 and March 2023)[1]

2. (…)
Collection and distribution of remuneration effected by one of the organizations managing the property rights of authors, performers and phonogram producers on a collective basis, in accordance with agreements between these organizations (Article 45 of this Law). If this agreement provides otherwise, the remuneration shall be distributed as follows: 40 percent - authors, 30 percent - performers, 30 percent - producers of phonograms.

3. Remuneration shall not be paid in respect of equipment and material carriers specified in the first paragraph of part 2 of this article, which are subject to export, as well as to professional equipment not intended for domestic use.

[1] Free translation

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS D

TURKMENISTAN

6.598 M GDP: EUR 76.27 Bn

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CONTACT INFORMATION

COUNTRY	Turkmenistan
CURRENCY	TMT

OVERVIEW

EXCEPTION	Yes, reproduction of a single copy of a lawfully published work by a private person solely for private use
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: No
TARIFFS	The rates are fixed by an agreement between the producers and importers on the one hand, and the CMOs representing the rights of the authors, producers of phonograms or videograms and performers on the other hand. If the parties cannot reach such an agreement, the rates are fixed by the authorised state administration body for intellectual property.
BENEFICIARIES	Authors, Performers, Producers of phonograms and audiovisual producers.
LIABLE PARTIES FOR PAYMENT	Manufacturer and importer
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	No

LEGAL BASIS

EXCEPTION AND LEVY

Article 18 of the Law of Turkmenistan No. 257-IV of January 10, 2012 on Copyright and Related Rights (amended up to 2017)[1]

1. Reproduction of a single copy of a lawfully published work by a private person solely for private use and without commercial purpose is authorised without the author's or any other copyright holder's consent and without author's remuneration.
2.Paragraph one of the present article is not applied in relation to:
1) Reproduction of architectural works in the form of buildings and similar objects;
2) Reproduction of databases or their substantial parts;
3) Reproduction of computer programs, except the cases listed in the Article 21 of this Law;
4) Reprographic reproduction of books (entirely), sheet music and original works of fine art.

[1] Free translation

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

TURKMENISTAN

2/2

LEGAL BASIS

LEVY ONLY

Article 18 of the Law of Turkmenistan No. 257-IV of January 10, 2012 on Copyright and Related Rights (amended up to 2017)

3. Reproduction of an audiovisual work, phonogram or videogram by a private person for private use and without commercial purpose is authorised without the copyright holder's consent, but with a payment of remuneration: in relation to reproduction of an audiovisual work – to the authors, performers and producer of the audiovisual work; in relation to reproduction of a phonogram (videogram) – to the authors, performers and producer of the phonogram (videogram).

Remuneration is paid to the manufacturers and importers of the equipment (audio- and (or) video recorders or other equipment) and material information carriers (audio and (or) video tapes, compact discs and other material carriers) used for such reproduction.

The amount of remuneration and the conditions of its payment are determined by an agreement between the manufacturers and importers on the one hand, and the organisations managing the economic rights of the authors, producers of phonograms or videograms and performers on a collective basis on the other hand, and in the case if the parties cannot reach such agreement – by the authorised state administration body on intellectual property.

It is taken into account that if the rightholders apply technical means of protection, access to such works, phonograms and videograms with the purpose of reproduction for private use can also be limited by payment of remuneration.

COLLECTION AND DISTRIBUTION SYSTEMS

Article 18 of the Law of Turkmenistan No. 257-IV of January 10, 2012 on Copyright and Related Rights (amended up to 2017)

3. (..)

The collection and distribution of this remuneration is carried out by collective management organisations that deal with economic rights. The remuneration is subject to distribution according to the following proportion: 40% - to the authors, 30% - to the performers, 30% - to the producers of phonograms (videograms) in relation to works and phonograms (videograms), when it can be assumed that that they were reproduced for private use.

4. Remuneration is not paid for the equipment and material carriers listed in the second part of this article that are:

a) Export commodities;
b) Professional equipment not intended for household use.

Remuneration is not paid when the indicated equipment is imported by private person solely for private use.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

UZBEKISTAN

36.926 M GDP: EUR 106.26 Bn

1/2

CONTACT INFORMATION

COUNTRY	Uzbekistan
CURRENCY	UZS
NAME ORGANIZATION	SIIP
WEB SITE	http://siip.uz/eng/about
E-MAIL	siipuz24@gmail.com

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	The cabinet of ministers of the Republic of Uzbekistan
EXCEPTION	Yes, reproduction of a published work for personal purposes is permitted
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: Yes (only for books)
TARIFFS	To be determined by the Cabinet of Ministers of the Republic of Uzbekistan
BENEFICIARIES	Authors, Performers, Producers of phonograms and audiovisual manufacturers
LIABLE PARTIES FOR PAYMENT	Manufacturer, Importer
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	No

LEGAL BASIS

EXCEPTION AND LEVY

Article 25 of the Law on Copyright and Related Rights of 2006 (Amended up to 2021)

The reproduction of a work made public for personal purposes shall be allowed without consent of author or another legal owner, and without payment of remuneration of reproduction of disclosures work in personal purposes, except for the cases, provided in Article 33 of this law.

The rules of part one of this Article shall not apply to the following:
- reproduction of works of architecture in the form of buildings and structures;
- reproduction of databases or substantial parts thereof;
- reproduction of computer software, except in cases provided for by law;- reprographic reproduction of books (in their entirety) and scores.

Article 27

Use of works by reprographic reproduction of the following in a single copy shall be allowed without the purpose of deriving income, without the consent of the author or other rightholder and without payment of remuneration, but with mandatory indication of the name of the author whose works are used and the source of borrowing (...)

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

UZBEKISTAN

2/2

LEGAL BASIS

LEVY ONLY

Article 33 of the Law on Copyright and Related Rights of 2006 (Amended up to 2021)

The reproduction of an audiovisual work or phonogram for personal purposes without the consent of the author of a work, performer, producer of a phonogram and the producer of an audiovisual work without deriving a profit shall be allowed subject to payment of remuneration to them. Remuneration shall be paid by producers and importers of equipment (audio and video recorders and other equipment) and tangible media (audio and/or video tapes and cassettes, CDs and other tangible media) used for such reproduction.The list of manufactured and imported equipment and tangible medium, as well as the rates of collected remuneration, the conditions and procedure for its collection shall be established by the Cabinet of Ministers of the Republic of Uzbekistan.

(...)

Control and supervision over the procedure of collection and distribution of remunerations, stated with this Article are implemented by the specially authorized authority.

No fee shall be collected nor remuneration be paid in respect of equipment and tangible media subject to export, as well as professional equipment not intended for use under home conditions.

COLLECTION AND DISTRIBUTION SYSTEMS

Article 33 of the Law on Copyright and Related Rights of 2006 (Amended up to 2021)

The collection and distribution of the remuneration provided for in this Article shall be carried out by one of the organizations administering the property rights of the authors, producers of phonograms, and performers on a collective basis in accordance with the agreement between these organizations. Unless otherwise provided by this agreement, the aforementioned remuneration shall be distributed in the following proportion: forty percent to authors, thirty percent to performers, and thirty percent to producers of phonograms and/or producers of audiovisual works.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

ISRAEL

9.972 M GDP: EUR 499.47 Bn

CONTACT INFORMATION

COUNTRY	Israel	
CURRENCY	ILS	
NAME ORGANIZATION	ACUM	TALI
WEB SITE	www.acum.org.il	www.tali-rights.co.il/
E-MAIL	info@acum.org.il	info@tali-rights.co.il

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	ACUM is a collective society for collection & distribution of royalties owned by its members i.e. authors, composers and publishers of musical works.
EXCEPTION	Yes
LEVY	Equipment: No Media: Yes
TARIFFS	No
BENEFICIARIES	Authors, performers and producers
LIABLE PARTIES FOR PAYMENT	Government (Ministry of Culture)
EXEMPTION	No
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

The law set the sum (5% of the retail price of all blank audio & video cassettes sold in the preceding year).

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION

A committee consisting of representatives from different ministers should decide the final data needed to determine the amount. In fact, a fixed sum is paid to the relevant collecting societies.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Article 3 d of the Copyright ordinance of 1911 - Payment to owners of Copyright and Performers' rights
(b) The Government shall transmit to the royalties' companies every year an amount equal to 5% of the retail price without VAT of all cassettes sold in Israel for private and domestic use during the preceding year.
(c) The amount said in subsection (b) shall be divided equally between the three royalties' companies enumerated in paragraphs (1), (2) and (3) of section 3B.

ISRAEL

COLLECTION PROCESS

HOW FREQUENTLY IS PAYMENT DUE?

Once a year

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTS HOLDERS?

Each collecting society (Authors, Producers & Performers) distributes the remuneration to its own rightsholders.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS DETERMINED BY LAW?

No

FREQUENCY OF DISTRIBUTION

ACUM – once a year

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

No collaboration established yet

WHICH RIGHTS HOLDERS ARE INCLUDED?

ACUM – Authors, Composers & Publishers of music works

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

By ACUM BOARD

DISTRIBUTION KEYS SUBMITTED?

ACUM - The remuneration received from the government is distributed to rightsholders in proportion to their income from ACUM for public performances, records, new media, cinema, and Managers' performances and concerts in the relevant year. no information on how organisations other than ACUM distribute the remuneration.

LEGAL BASIS

EXCEPTION AND LEVY

Article 3 C of the Copyright ordinance of 1924 - Private and domestic use

Recording or copying a work on recordable media for private and domestic, but not commercial, uses shall not be a violation of copyright and performers' rights.

LEVY ONLY

Article 3 D of the Copyright Ordinance of 1924 - Private and domestic use

a) The Government shall compensate the copyright owners and the owners of performers' rights for the loss of income and violation [damage] of rights caused to them by the recording and copying for private and domestic use under section 3C.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

ISRAEL

3/3

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

Article 3 D of the Copyright ordinance of 1924 - Payment to owners of Copyright and Performers' rights

(b) The Government shall transmit to the royalties' companies every year an amount equal to 5% of the retail price without VAT of all cassettes sold in Israel for private and domestic use during the preceding year.

(c) The amount said in subsection (b) shall be divided equally between the three royalties' companies enumerated in paragraphs (1), (2) and (3) of section 3B

(d) A committee composed of a representative of the Minister of Finance, a representative of the Minister of Justice and a representative of the Minister of Education, Culture and Sport shall determine the data required for the determination of the said amount.

Article 3 E of the Copyright ordinance of 1924 - division of Compensation

In the case of disagreement on the division of compensation amount, the Court shall decide on the matter; to the Court hearings shall be summoned, in ways to be prescribed by regulations, representatives of the royalties' companies, a representative of the Ministry of Education, Culture and Sport and the author or performer, in respect of whose compensation there is disagreement, as the case may be; the Court's decision shall bind all royalties' companies and all holders of copyright and performers' rights, even if they were not parties to the proceeding before the Court.

TARIFFS

Blank Media	Tariff valid per 2004
MC	5% of the retail price according to Law, but in fact the amount is fixed.
VHS	5% of the retail price according to Law, but in fact the amount is fixed.

COMMENTS

The information above is that published in 2020; no update has been received.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS D

JAPAN

123.89 M GDP: EUR 3721.43 Bn

CONTACT INFORMATION

COUNTRY	Japan
CURRENCY	JPY
NAME ORGANIZATION	SARAH
WEB SITE	http://www.sarah.or.jp
E-MAIL	sarah-koby@zc.wakwak.com

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Audio: SARAH (Society for the Administration of Remuneration for Audio and Video Home Recording) For information, SARVH (Soc. for Administration of Remuneration for Video Home Recording) disbanded by 31 March 2015 due to the termination of video compensation collection by the loss of the court case (see "Court Cases"). The designated management association, which collects compensation for private recording, is appointed by the government (by the Commissioner of the Agency for Cultural Affairs). It does not receive government funding.
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: No Any person who, for the purpose of private use, makes sound recording on digital recording machines / media shall pay compensation to the copyright owners concerned.
TARIFFS	Calculation of the compensation amount: The compensation rate is set per medium and per machine by multiplying the fixed rate by the base price (the shipping price for sale). The amount of remuneration: • For the machine: 2% of the shipping price for sale, with a maximum limit of JPY 1,000 • For the medium: 3% of the shipping price for sale
BENEFICIARIES	Copyright owners, Performers and Producers of the phonogram
EXEMPTION	- Analogue recording media or machine - Machines with special efficiency, generally not for private use but for business purposes, such as those used for broadcasting. - Machines with sound or visual recording functions incidental to their primary functions, such as telephones with sound recording capabilities.
SOCIAL AND CULTURAL DEDUCTIONS	20 % of the compensation paid

JAPAN

RATE SETTING

After consulting with manufacturers, SARAH drafts a compensation plan and submits it to the Commissioner of the Agency for Cultural Affairs for approval. The Commissioner shall approve the compensation amount only if it is considered appropriate. Before granting approval, the Commissioner shall consult the Culture Council.

There is no consideration of damages, harm, or copying behaviour as rates are not reviewed regularly. Market circumstances are considered when determining market prices.

EXEMPTION AND REFUND

PRODUCTS EXEMPT FROM LEVIES

- analogue recording media or machine
- machines having special efficiency generally not for private use but for business use, such as that for broadcasting
- machines having sound or visual recording functions incidental to the primary functions, such as telephones with sound recording function

Types of media and machines subject to levy payment have to be assigned by the Cabinet Order. Only specified media or machines with labelling of 'for audio' 'for video' are subject to compensation.

REFUND AFTERWARDS

Anyone who has paid such compensation can claim a refund from SARAH by certifying they use the specified recording machine or medium solely for purposes other than private recording. This includes (i) using them under restrictions beyond copyright owners' rights under Copyright Law, (ii) recording under a licence from the copyright owner, (iii) recording works that are not protected by copyright, and (iv) exporting the specified recording machine or medium purchased in Japan.

Regarding the decision to grant a refund, it is made based on the return standards, taking into account various factors such as the nature of the purchase and the circumstances of use. However, there are few examples of such cases.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

The designated association (SARAH) has the right to claim compensation from the end user of the specified media or machine. On the other hand, because the manufacturer or importer of specified recording machines or media shall cooperate with the designated association in claiming and receiving such compensation under the law, the end users shall purchase machines or media on which the compensation has been added. Customs is not involved.

HOW FREQUENTLY IS PAYMENT DUE?

Every half-year basis

HOW DO YOU MONITOR THE MARKET?

Basically, SARAH relied on manufacturers' good faith. Sometimes, they communicated with manufacturers to question the reasonable grounds if there was a remarkable change in the reporting.

ARE EXPORTS EXEMPTED?

Those who export specified machines or media sold in Japan are not liable to pay compensation, because only the people who make sound or visual recordings are liable to pay compensation. If the exporter has paid compensation, he or she can claim a refund..

DEFINITION OF IMPORT

Although no definition is provided under the Copyright Law, it is said that “import” means “To receive goods from the area where Japanese laws and regulations cannot be applied into the area covered by Japanese laws and regulations.”

JAPAN

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Distribution is handled by the collecting society (SARAH) itself. SARAH distributes compensation to three rightsholders organisations (i.e., JASRAC[1], GEIDANKYO[2], and RIAJ[3]), and afterwards, these organisations redistribute the received funds to each member person or company entitled to receive compensation in the following manner:

- Copyright owners (through JASRAC): 36%
- Performers (through GEIDANKYO): 32%
- Producers of the phonogram (through RIAJ): 32%

In addition, distribution to rightsholders not belonging to any of these organisations is paid upon request from the funds allocated to each organisation.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTING PRIVATE COPYING REMUNERATIONS DETERMINED BY LAW?

20%, SARAH is unable to split the admin costs into collection costs and distribution costs.

FREQUENCY OF DISTRIBUTION

Every six months

WHICH RIGHTSHOLDERS ARE INCLUDED?

- Copyright owners
- Performers
- Producers of the phonogram

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Previously negotiated. Not reviewed regularly.

DISTRIBUTION KEYS SUBMITTED?

SARAH creates distribution materials with the highest possible accuracy using methods such as sampling surveys of broadcasting and rental records, production results surveys, such as CDs, and methods guided by specialist statisticians, such as questionnaire surveys from users, etc.

SOCIAL AND CULTURAL FUNDS

Social and/or cultural deductions account for 20% of the compensation received, a rate fixed by the Cabinet Order according to the Copyright Law.

The social and cultural fund is allocated for activities contributing to the protection of copyright and neighbouring rights and to the promotion of the creation and dissemination of works. This system is based on the principle that allocating 20% to such activities benefits all rights holders, including unidentifiable rights holders, and it would act as an indirect form of distribution.

[1] Japanese Society for Rights of Authors, Composers and Publishers
[2] Japan Council of Performers' Rights and Performing Arts Organisations
[3] Recording Industry Association of Japan

JAPAN

LEGAL BASIS

Copyright Act No. 48 of 1970, amended up to July 19, 2024

EXCEPTION

(Reproduction for private use)

"Article 30. (1) Except in the following cases, a user may reproduce a work that is subject to copyright (hereinafter in this Subsection referred to as a "work") if the reproduction is for personal or family use or for any other use of a similarly limited scope (hereinafter referred to as "private use"):

(i) a user reproduces a work by means of an automated duplicator (meaning a device with a function for making reproductions, all or most of whose instruments for making the reproductions are automated) that has been set up for use by the public;

(ii) the reproduction of the work has become possible due to the circumvention of technological protection measures (meaning that the removal or alteration of the signals provided for in Article 2, paragraph (1), item (xx) or any other action that interferes with the effect of the signals (excluding any such action resulting from technological constraints accompanying the conversion of recording or transmission systems) or the restoration of sounds or images of a work, performance, phonogram or broadcast or cablecast which has been converted so as to necessitate a specific conversion as prescribed in that item makes it possible to take an action that the technological protection measures prevent or makes it so that a barrier no longer arises as a result of an action that the technological protection measures deter (other than a restoration made based on the intentions of the person that owns the copyright, etc.); the same applies in Article 113, paragraph (7) and Article 120-2, items (i) and (ii) or a barrier to reproduction of the work no longer arises as a result of that circumvention, and the user reproduces the work in knowledge of this fact;

(iii) the work is received via an automatic public transmission that infringes on a copyright (including an automatic public transmission that is transmitted abroad and that would constitute copyright infringement if it were transmitted in Japan), and the user records the sounds or visuals of the work in digital format (hereinafter referred to as "specified infringing sound or visual recording" in this item and the following paragraph), in knowledge of the fact that the relevant action constitutes the specified infringing sound or visual recording;

(iv) the work is received via an automatic public transmission that infringes on a copyright (excluding the rights provided in Article 28 (limited to those for a derivative work created by a means other than translation); hereinafter the same applies in this item) (including an automatic public transmission that is transmitted abroad and that would constitute copyright infringement if it were transmitted in Japan), and the user reproduces the work in digital format (excluding sound and visual recording; hereinafter the same applies in this item) (excluding reproduction that is minor in light of the percentage of the reproduced part in the work relevant to the copyright, the accuracy of indications made at the time the part is transmitted via automatic public transmission, and other elements; hereinafter in this item and the following paragraph referred to as "specified infringing reproduction"), in knowledge of the fact that the relevant action constitutes the specified infringing reproduction (excluding cases where there are special reasons for finding that the action would not unreasonably prejudice the interests of the copyright owner in light of the nature or purpose of the work or the circumstances of the specified infringing reproduction).

(2) The provisions of items (iii) and (iv) of the preceding paragraph must not be interpreted as including cases where a user undertakes the relevant action through gross negligence in not knowing the fact that the relevant action constitutes the specified infringing sound or visual recording or the specified infringing reproduction.

(3) A person who, for private use, records the sound or visuals of a work in a digital format, on a digital sound or visual recording medium that is provided for by Cabinet Order, by means of a machine with digital sound or visual recording functions (excluding a machine with special performance capabilities for use in the broadcasting business or other special performance capabilities that are generally not offered for private use, and also excluding a telephone with a sound recording function or any other machine with sound or visual recording functions incidental to its primary function) which is provided for by Cabinet Order must pay a reasonable amount of compensation to the copyright owner.

JAPAN

5/7

LEGAL BASIS

LEVY

(Exercise of the right to claim compensation for private recording)

"Article 30. (1) Except in the following cases, a user may reproduce a work that is subject to copyright (hereinafter in this Subsection "Article 104bis. (1) Where there is an association, which is established for the purpose of exercising the right to claim compensation as mentioned in Article 30, paragraph (3) (including the case where its application mutatis mutandis is provided for under the provision of Article 102, paragraph (1); the same shall apply hereinafter in this Chapter.) (hereinafter in this Chapter referred to as "compensation for private recording") on behalf of the owners of such right (hereinafter in this Chapter referred to as "the owners of the right") and which is designated, with its consent, by the Commissioner of the Agency for Cultural Affairs as the only one association throughout the country for each of the following two categories of compensation for private recording (hereinafter in this Chapter referred to as "the designated association"), the right to claim compensation for private recording shall be exercised exclusively through the intermediary of the designated association: (i) compensation for sound recording made for the purpose of private use (excluding such sound recording as made exclusively with visual recording; hereinafter in this Chapter referred to as "private sound recording"); (ii) compensation for visual recording made for the purpose of private use (including such visual recording as made exclusively with sound recording; hereinafter in this Chapter referred to as "private visual recording").

(2) The designated association shall have the authority to deal, on behalf of the owners of the right and in its own name, with juridical and non-juridical matters in regard to the right to claim compensation for private recording.

(Exceptional provisions for the payment of compensation for private recording)

Article 104 quater. (1) Any purchaser of a recording machine or a recording medium which is specified by Cabinet Order in accordance with the provision of Article 30, paragraph(3) (hereinafter in this Chapter referred to as "a specified recording machine" and "a specified recording medium" respectively) (limited to the initial purchasers of such retailed recording machines or media) shall pay, at the time of the purchase and on the claim by the designated association, a lump-sum compensation for private recording the amount of which is fixed, for such recording machine and medium respectively, in accordance with the provision of Article 104sexies, paragraph (1).

(2) Any person who has paid such compensation may claim its repayment from the designated association, by certifying that he or she uses such a specified recording machine or medium exclusively for the purpose other than that of private recording.

(3) Notwithstanding the provision of Article 30, paragraph (3), any person who makes private recording on a specified recording medium, for which compensation has been paid, by means of a specified recording machine, for which compensation has been paid, shall not be required to pay compensation for private recording, provided that compensation has not been repaid for such a specified recording machine or medium concerned in accordance with the provision of the preceding paragraph.

COLLECTION AND DISTRIBUTION SYSTEMS

(Cooperation by manufacturers and importers)

Article 104quinquies. When the designated association claims compensation for private recording in accordance with the provision of paragraph (1) of the preceding Article, any manufacturer or importer of specified recording machines or media shall cooperate with the designated association in claiming and receiving such compensation.

(Amount of compensation for private recording)

Article 104sexies. (1) Before exercising the right to claim compensation for private recording in accordance with the provision of Article 104bis, paragraph (1), the designated association shall fix the amount of such compensation and obtain the approval thereof from the Commissioner of the Agency for Cultural Affairs. The same shall apply when the designated association intends to change such amount.

(2) When the approval mentioned in the preceding paragraph is given, the amount of compensation for private recording shall, notwithstanding the provision of Article 30, paragraph (3), be that as approved.

JAPAN

COLLECTION AND DISTRIBUTION SYSTEMS

(3) Before applying for such approval, the designated association shall consult with associations which are composed of manufacturers and importers of specified recording machines or media and which are deemed to represent their opinions.

(4) The Commissioner of the Agency for Cultural Affairs shall approve the amount of compensation applied for only when it is deemed appropriate by taking into account the spirit of the provisions of Article 30, paragraph (1) (including the case where its application mutatis mutandis is provided for under the provision of Article 102, paragraph (1)) and Article 104quater, paragraph (1), the ordinary rate of sound or visual recording royalty and other circumstances.

(5) Before approving the amount of compensation, the Commissioner of the Agency for Cultural Affairs shall consult the Culture Council.

(Rules on the conduct of the business related to compensation)

Article 104septies. (1) When initiating business related to compensation, the designated association shall establish rules on the conduct of such business and report those rules to the Commissioner of the Agency for Cultural Affairs. The same shall apply when the designated association intends to amend such rules.

(2) The rules mentioned in the preceding paragraph shall include the matters relating to the distribution of compensation for private recording (limited to such compensation as paid in accordance with the provision of Article 104quater, paragraph (1)), and the designated association shall take into account the spirit of the provision of Article 30, paragraph (3) when establishing the rules on such matters.

(Allocation for such activities as contributing to the protection of copyright, etc.)

Article 104octies. (1) The designated association shall allocate an amount corresponding to the rate fixed by Cabinet Order within 20% of the compensation received (limited to such compensation as paid in accordance with the provision of Article 104quater, paragraph (1)) for such activities as contributing to the protection of copyright and neighboring rights as well as to the promotion of the creation and dissemination of works.

(2) When intending to draft the Cabinet Order mentioned in the preceding paragraph or to draft its amendment, the Commissioner of the Agency for Cultural Affairs shall consult the Culture Council.

(3) The Commissioner of the Agency for Cultural Affairs may issue to the designated association an order necessary for supervising the business relating to the activities mentioned in paragraph (1) when it is deemed necessary for assuring an proper execution of such business.

LEGAL DEVELOPMENTS

LEGAL DEVELOPMENTS

Discussions on reforming the current compensation system have been ongoing in the subcommittee of the Culture Council, led by the Agency for Cultural Affairs. No conclusions have been reached.

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES?

Several manufacturers of audio recording media had previously refused to provide SARAH with levy calculation statements. However, they all eventually reached an agreement with SARAH.

COURT CASES

VIDEO:

Japan decided to complete the transition from analogue to digital terrestrial television broadcasting by July 2011. In 2009, the Japanese manufacturer Toshiba denied any cooperation obligations under the provisions of Article 104quinquies of the Copyright Law for its DVD recording machines without an analogue tuner, insisting that the provisions specified by Cabinet Order did not cover such machines.

Other manufacturers producing the same kind of machines followed Toshiba's example.

The designated association for visual private recording (SARVH) negotiated with Toshiba but was unable to reach an agreement. Therefore, SARVH sued Toshiba for damages due to a breach of the cooperation obligation under Article 104quinquies of the Copyright Law.

JAPAN

COURT CASES

The court of first instance dismissed SARVH's claims, stating that although Toshiba's machine falls within the category of specified machines, the cooperation obligation in the same article is purely an abstract obligation without legal force. The appeal court dismissed SARVH's claims, arguing that because the content of the cooperation obligation was not clearly defined and the Toshiba machine did not qualify as a specified machine, the court decision was final. As a result, under the current Cabinet Order, it became difficult for SARVH to collect compensation for machines used in terrestrial television broadcasts, leading to a substantial halt in the private recording compensation system for video. Consequently, SARVH disbanded by 31 March 2015.

TARIFFS

Blank Media	Tariff (Effective on 18 Dec 2000)	
Audio		
MD	the amount of shipping price for sale to 3%	Per unit
CR-R/RW	the amount of shipping price for sale to 3%	Per unit
DAT	the amount of shipping price for sale to 3%	Per unit
Audio Devices		
MD recorder	the amount of shipping price for sale to 2%, with a maximum limit of JPY 1,000	Per unit
CD recorder	the amount of shipping price for sale to 2%, with a maximum limit of JPY 1,000	Per unit
Digital Compact Cassette recorder	the amount of shipping price for sale to 2%, with a maximum limit of JPY 1,000	Per unit
DAT recorder	the amount of shipping price for sale to 2%, with a maximum limit of JPY 1,000	Per unit
Other: refurbishment (or remanufactured)	The end user is responsible for paying compensation. If the remanufactured product is linked to a particular machine or media, it may be subject to compensation obligations when sold as a new product.	

REVENUES

'000 JPY	2019	2020	2021	2022	2023	2024
Blank Media	21,397	16,279	11,850	9,427	9,372	7,676
Audio						
MD	954	920	577	311	2	90
CR-R/RW	3,576	3,265	3,879	2,898	1,463	1,196
Total 'Audio media'	**25,928**	**20,466**	**16,308**	**12,637**	**10,837**	**8,962**

The machines/media subject to compensation are specified by Cabinet Order, but they do not reflect the products actually being used for private recording. As a result, compensation revenue is declining dramatically.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

TÜRKIYE

85.519 M **GDP: EUR 1222.3 Bn**

CONTACT INFORMATION

COUNTRY	Türkiye	
CURRENCY	TRY	
NAME ORGANIZATION	MESAM	MSG
WEB SITE	www.mesam.org.tr	www.msg.org.tr
E-MAIL	mesam@mesam.org.tr	msg@msg.org.tr

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	None. Collection of remuneration is done by the Ministry of Culture and Tourism (MOCT).
EXCEPTION	Yes
LEVY	Equipment: Yes (such as smartphones, tablets, MP3 players, E-readers, etc.) Storage Media: Yes (such as USB-Sticks, blank DVDs, etc.) Reprographic devices: Yes. Copiers - fax machines - printers - multi-function machines
DEVICES SUBJECT TO BOTH TEXT AND IMAGE AND AUDIO/AUDIOVISUAL PRIVATE COPYING LEVIES	Computers, CD Burners, Blu-ray devices, Smartphones, Tablets, e-Readers, MP3/MP4 players
BENEFICIARIES	Ministry of Culture and Tourism
LIABLE PARTIES FOR PAYMENT	- Importers: before the custom declaration of devices and blank carriers upon CIF amount. - Manufacturers: within 15 days after distribution of the devices and carriers to the local market, with an amount based upon the manufacturing prices.
LEGAL OBLIGATIONS FOR THOSE LIABLE UNDER THE LEVY SYSTEM	☑ Payment ☑ Disclosure of information on the type and quantity of levied products placed on the market on request ☑ Reporting - parties must report the type and quantity of imported items
COLLECTION AND DISTRIBUTION SYSTEM	There is an effective collection mechanism, but revenues are not distributed to rightsholders; all are directly collected and used by the MOCT.
SOCIAL AND CULTURAL DEDUCTIONS	The MOCT collects the private copying levy and is free to allocate the funds to cultural purposes of its choosing, after deducting one quarter of the amount that goes to the state budget.

TÜRKIYE

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By law or another legal instrument

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

Irregularly, based on the market and sector needs

REFURBISHED DEVICES

Refurbished devices are not subject to PC Levy.

LEGAL BASIS

EXCEPTION

Article 38 of the Law No. 5846 of 1951 on Intellectual and Artistic Works (as last amended by Law No. 7346 of 2021)

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 rightsholders without good reason or conflict with the normal exploitation of the work.

LEVY

Article 44 of the Law No. 5846 of 1951 on Intellectual and Artistic Works (as last amended by Law No. 7346 of 2021)

For the purpose of protection and effective pursuit of intellectual property rights, places which manufacture materials serving the fixation or reproduction of intellectual and artistic works and/or carry out the recording, reproduction and sale of such materials or distribute and supply to the public in any way, excluding places that only print periodicals, shall be given a certificate by the Ministry against a fee. Places that are determined by the Ministry are obliged to maintain software approved by the Ministry and hardware complying with criteria to be set by the Ministry, to form the necessary infrastructure and to inform to the Ministry transactions they carry out in each calendar year. Such places and economic rights holders are also jointly obliged to maintain codes complying with international standards and marks and serial numbers that are deemed necessary by the Ministry, on the materials carrying works.

Natural and legal persons who manufacture or import for commercial purposes any kind of materials carrying works such as blank video cassettes, audio cassettes, computer discs, CDs, DVDs and all kinds of technical equipment which serve the reproduction of intellectual and artistic works are obliged to collect every month and deposit, until the middle of the following month at the latest, in a special account to be opened with a national bank in the name of the Ministry of Culture and Tourism, an amount to be determined by the Council of Ministers not exceeding 3% of the manufacturing or importation costs. (…)

COLLECTION AND DISTRIBUTION SYSTEMS

Article 44 of the Law No. 5846 of 1951 on Intellectual and Artistic Works (as last amended by Law No. 7346 of 2021)

(…)
A quarter of the amount 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.

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 by a by-law 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.

ASIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

TÜRKIYE

3/3

COMMENTS

On 18 December 2025, the Presidential Decision was published in the Official Gazette (Decision No. 20251219-10), it introduced significant changes to levy rates and enforcement mechanisms for devices and blank media used for reproduction. Under the new regulation, levy rates have been set at 1% for certain printing and copying machines and computers, and 1.2% for smartphones with recording or copying capabilities. The decision also strengthens enforcement by enabling tax authorities to collect unpaid or underpaid levies and transfer them to the Ministry of Culture and Tourism's special account.

Societies in Türkiye do not collect the levies themselves. The Ministry collects these funds directly and uses the collected amounts for cultural programs.

Societies are in negotiations for a change in this system, but a consensus has not been reached yet.

INTRODUCTION
EUROPE

1/2

The European continent is very broad, covering 27 EU member states having a high level of copyright protection. Most EU member states have implemented a private copying exception and remuneration system under Article 5(2)(b) of EU Copyright Directive (2001/29/EC). These systems generally compensate authors and rights holders for copies made for private use.

The origin of the private copying exception lies in Germany where it was first introduced in the law in 1966 and expanded throughout Europe during the following decades.

Of the 44 European countries studied, two countries (United Kingdom and Malta) have not introduced a private copying exception in their domestic law (the UK abolished its private copying exception entirely and after Brexit in 2020 the UK is no longer bound to EU directives and CJEU case law).

On the 42 countries which have an exception, 4 countries have no levy system in place (Albania, Republic of Ireland, Liechtenstein and San Marino).

Some countries only have remuneration but no collection and distribution mechanism and some countries have a state-funded remuneration system as a means of compensating rightsholders for private copying. Finland for example has introduced a state funded system in 2015, which is being assessed for its compliance with EU law. Some years earlier, in 2012 the Spanish government also established a state-funded private copying compensation system by law, but was later annulled by the Court as incompatible with EU law. Thus, Finland's state funded system is being challenged, not only on the basis of incompatibility with EU law, but also due to its unexplained and drastic reduction in the State budget for rightsholders' private copying remuneration in 2024.

In the EU, tariff setting practices and the media and devices that are subject to the levy are within the discretion of each Member State. This decentralised rulemaking leaves room for Member States to consider changes to their domestic markets and improvements in technology. Regarding digital media, some Member States have now included the storage of private copies using cloud services in their list of media subject to private copying. According to the CJEU, it has also been confirmed in 2022 that such cloud service providers are now encompassed by the private copying regime (Case C 433/20).

As of this Study's publication, there is a pending question before the CJEU raised by the Supreme Court of the Netherlands on the applicability of private copying remuneration to offline streaming copies, or copies of protected works made available offline via a streaming service on a user's device. A ruling is expected in 2026.

Private copying is a significant source of income for rightsholders in the EU and beyond, and this region provides some of the strongest examples worldwide of how well-functioning and reliable the stream of income from private copying remuneration can be for European rightsholders.

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EUROPE
TERRITORIES WITHOUT PRIVATE COPYING EXCEPTION

1/1

MONACO

UNITED KINGDOM

EUROPE: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

ALBANIA

2.722 M **GDP: EUR 25.2 Bn**

CONTACT INFORMATION

COUNTRY	Albania
CURRENCY	ALL
NAME ORGANIZATION	ALBAUTOR
WEB SITE	www.albautor.net
E-MAIL	info@albautor.net

OVERVIEW

EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: Yes
TARIFFS	Determined by decision of the Council of Ministers
LIABLE PARTIES FOR PAYMENT	Manufacturer and importer

LEGAL BASIS

EXCEPTION AND LEVY

Law No. 35/2016 of 2016[1] (Amended by Law No. 37/2022 dated 14.04.2022)

Chapter III Article 31 - Right to remuneration for reproduction of works of the author for private or other personal use.

1. The author, whose works, due to their nature, can be reproduced without authorization, under the conditions of Article 72 of this Law, through photocopying, sound recording, video/image, text or through any other form for private or other personal use, has the right to reasonable remuneration from the sale of technical materials, which make it possible to reproduce the text, sound or image, as well as materials, which make it possible to retain/fix the works through sound, image, text. The list of equipment, as well as the relevant fees, shall be determined by decision of the Council of Ministers.

[...]

4. The remuneration referred to in paragraph 1 of this Article shall be paid by the manufacturers of visual and sound recording equipment, manufacturers of photocopying equipment, manufacturers of blank cassettes, which enable copies identical to the original, videos or text recording media and importers of these equipment, except when small quantities intended for private and non-commercial use are imported, being part of personal luggage. If the equipment and objects referred to are not manufactured in the Republic of Albania, the remuneration shall be paid by the importer.

[1] Free translation

EUROPE: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

ALBANIA

2/2

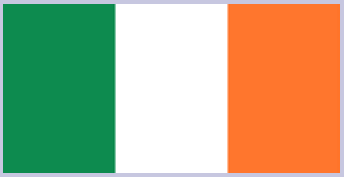
LEGAL BASIS

EXCEPTION AND LEVY

Chapter VII Article 72 - Reproduction of works for private and personal use

1. In accordance with Article 31 of this law, a natural person may reproduce a copyrighted work without the authorization of the author of the work or the copyright holder for this work and without remuneration, provided that it is made in no more than one copy, in the form of a photocopy or by any similar means using photographic techniques or any other means having effects similar to them, and by any other means for private use and other personal use, to the extent that the copy is not accessible and is not intended for a public audience, and has no direct or indirect commercial purpose.

EUROPE: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM



IRELAND

5.422 M **GDP: EUR 533.444 Bn**

CONTACT INFORMATION

COUNTRY	Ireland	
CURRENCY	EUR	
NAME ORGANIZATION	Irish Visual Artists Rights Organisation	Irish Music Rights Organisation
WEB SITE	www.ivaro.ie	www.imro.ie
E-MAIL	Info@ivaro.ie	info@imro.ie

OVERVIEW

EXCEPTION	Sections 49 to 52 of the Copyright and Related Rights Act 2000 deal with exceptions to the exclusive rights of the author, including Fair Dealing for Research and Private Study at S50. There is no specific private copying exception or format-shifting exception (other than for librarians for preservation) in Irish law. But, an exception for recording for purposes of time-shifting is provided for in Section 101.
LEVY	No

LEGAL BASIS

EXCEPTION

Copyright and Related Rights Act, 2000

Chapter 6 – Acts permitted in relation to Works Protected by copyright
(Miscellaneous matters relating to Copyright)

Section 101

(1) The making for private and domestic use of a fixation of a broadcast or cable programme solely for the purpose of enabling it to be viewed or listened to at another time or place shall not infringe the copyright in the broadcast or cable programme or in any work included in such a broadcast or cable programme.

(2) Subject to subsection (3), the making by an establishment for private and domestic use of a fixation of a broadcast or cable programme solely for the purpose of enabling it to be viewed or listened to at another time or place shall not infringe the copyright in the broadcast or cable programme or in any work included in such a broadcast or cable programme.

(3) The Minister may specify by order establishments for the purposes of this section.

(4) Where a fixation which would otherwise be an infringing copy is made under this section and is subsequently sold, rented or (otherwise than to a person's family member or friend for private and domestic purposes) lent, or offered or exposed for sale, rental or loan, or otherwise made available to the public, it shall be deemed to be an infringing copy for those purposes and for all subsequent purposes.

EUROPE: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

SAN MARINO

0.034 M **GDP: EUR 1.907 Bn**

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CONTACT INFORMATION

COUNTRY	San Marino
CURRENCY	EUR

OVERVIEW

EXCEPTION	Yes
LEVY	No

LEGAL BASIS

Law No. 8 of 25 January 1991[1]

EXCEPTION

TITLE IV- Special provisions relating to certain works
Chapter VII – Free uses
Art. 98 - It is free, provided that the work has been previously disclosed:

(...)

b) copies or reproductions strictly reserved for the copier's private use and not intended for collective use, with the exception of copies of works intended to be used for purposes identical to those for which the original work was created;

[1] Free translation

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

ANDORRA

0.087 M **GDP: EUR 3.732 Bn**

CONTACT INFORMATION

COUNTRY	Andorra
CURRENCY	EUR
NAME ORGANIZATION	SDADV
WEB SITE	http://www.sdadv.ad
E-MAIL	sdadv@sdadv.ad

OVERVIEW

EXCEPTION	Yes, it is authorized that a physical person makes a single copy of a published work for his/her private and personal use.
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: No
TARIFFS	Yes, levies are negotiated between representatives of rightsholders and manufacturers/ importers. In the absence of agreement, they may be fixed by the arbitration commission of the Copyright Office.
BENEFICIARIES	Authors, Performers and Producers of audiovisual work or a work embodied in a phonogram.
LIABLE PARTIES FOR PAYMENT	Manufacturer, importer
EXEMPTION	No
SOCIAL AND CULTURAL DEDUCTIONS	No

LEGAL BASIS

EXCEPTION AND LEVY

Article 7 of Law on Copyright and Neighboring Rights of 1999 - Private Reproduction for Personal Purposes

(1) Notwithstanding the provisions of Article 5(1) (a), and subject to the provisions of paragraphs (2) to (6), the private reproduction in a single copy of a published work, where the reproduction is made by a physical person exclusively for his own private and personal use, including such use within the normal circle of his family and its social acquaintances, shall be permitted without the authorization of the author of or other owner of the copyright in the work

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

ANDORRA

2/2

LEGAL BASIS

EXCEPTION AND LEVY

(2) The permission under paragraph (1) shall not extend to the reproduction (a) of a work of architecture in the form of building or other construction; (b) where the reproduction is reprographic reproduction, of an entire book, or a substantial part thereof, or of a musical work in graphic form; (c) of a computer program, except as provided in Articles 12 and 13; (d) of an electronic data base, except as provided in Article 14; (e) of any work in cases where reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author of, or other owner of the copyright in, the work.

LEVY ONLY

Article 7 of Law on Copyright and Neighboring Rights of 1999 - Private Reproduction for Personal Purposes

(3) Where the reproduction referred to in paragraph (1) concerns an audiovisual work or a work embodied in a phonogram, the author or other owner of copyright along with the performers and producers of phonograms or their successors-in-title as provided in Article 32(2) shall be entitled to equitable remuneration.

(4) An equitable remuneration shall be paid (a) by the manufacturer of equipment or material supports normally used for private reproduction for personal purposes of works mentioned in paragraph (3), except where such equipment is, or such material supports are, exported, or (b) by those who import such equipment or material, except where the importation is by a private person for his personal purposes.

COLLECTION AND DISTRIBUTION SYSTEMS

Article 7 of Law on Copyright and Neighboring Rights of 1999 - Private Reproduction for Personal Purposes

(5) The equitable remuneration, referred to in paragraph (4) of this article, shall be collected by a collective management organization. In the absence of agreement between the representatives of the manufacturers and importers, on the one hand, and the collective management organization, on the other, the amount of the equitable remuneration and the conditions of its payment may be fixed by the arbitration commission of the Copyright Office.

(6) The collective management organization shall distribute the remuneration, referred to in paragraph (5) of this article, to the authors of, or other owners of copyright in, those works mentioned in paragraph (3) in respect of which, under the given circumstances, it may be presumed that they have been the subject of private reproduction mentioned in paragraph (1) and to the performers and producers of phonograms or their successors-in-title mentioned in Article 32(2). In the absence of agreement between the various groups of authors and other owners of copyright and/or performers and producers of phonograms or their successors-in-title concerning the proportions of the shares from the equitable remuneration to be distributed to them, those proportions may be fixed by the arbitration commission of the Copyright Office.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

BELARUS

9.132 M **GDP: EUR 65.79 Bn**

CONTACT INFORMATION

COUNTRY	Belarus
CURRENCY	BYN
NAME ORGANIZATION	National Center of Intellectual Property (NCIP)
WEB SITE	www.ncip.by
E-MAIL	icd@ncip.by

OVERVIEW

EXCEPTION	Yes, reproduction of legally published works by individuals for personal purposes is permitted. This does not apply to works of architecture, databases, computer programs, notation texts, and books.
LEVY	Equipment: Yes Media: Yes
BENEFICIARIES	Authors, performers and producers of phonograms
LIABLE	Manufacturer, Importers
EXEMPTION	Export
SOCIAL AND CULTURAL DEDUCTIONS	Yes

LEGAL BASIS

EXCEPTIONY

Article 35 Law of the Republic of Belarus No. 262-Z of 2011 (amended in 2023)[1]

CHAPTER 4. CASES OF FREE USE OF OBJECTS OF COPYRIGHT AND RELATED RIGHTS

Article 35. Reproduction of Works and Related Rights Objects for Personal Purposes

1. Reproduction of lawfully published works and related rights objects in single copies by a natural person exclusively for personal purposes (for personal use, without pursuing direct or indirect commercial purposes) is permitted without the consent of the author or other rightsholder. Such reproduction is carried out without payment of remuneration, except in the cases provided for in paragraph 3 of this Article.

2. The provisions of paragraph 1 of this Article do not apply to the reproduction of:

- works of architecture in the form of buildings or other structures;
- databases or their substantial parts, except in the cases provided for in Article 39 of this Law;
- computer programs, except in the cases provided for in Article 39 of this Law;
- sheet music and books (in full) by means of reproduction;
- an audiovisual work, a dramatic or musical-dramatic work, a choreographic work, a pantomime, or another scripted work by video recording during its public performance in a place open to free attendance or a place where persons not belonging to the usual family circle or close acquaintances of the person making the video recording are present.

[1] Free translation

BELARUS

2/2

LEGAL BASIS

LEVY

3. For the reproduction, in accordance with paragraph 1 of this Article, of audiovisual works, works and performances embodied in phonograms, and phonograms, the persons holding exclusive rights to such works, performances, and phonograms (authors, performers, producers of phonograms, or other rights holders) are entitled to receive remuneration.
The remuneration is paid by manufacturers of equipment and/or material media usually used for the personal reproduction of audiovisual works, works and performances embodied in phonograms, and phonograms, except for equipment and/or material media exported outside the Republic of Belarus, as well as by legal entities and individual entrepreneurs importing the mentioned equipment and/or material media into the territory of the Republic of Belarus. The collection, distribution, and payment of remuneration are carried out by an organisation managing the property rights of authors or other rights holders on a collective basis (hereinafter referred to as a collective management organisation) in accordance with the legislation.

The list of equipment and material media usually used for the personal reproduction of audiovisual works, works and performances embodied in phonograms, and phonograms, as well as the amount of remuneration, the conditions of its payment, and the proportions of distribution among categories of rightsholders, are established by the Council of Ministers of the Republic of Belarus.

COLLECTION AND DISTRIBUTION SYSTEM

4. The collective management organisation that collects the remuneration provided for in paragraph 3 of this Article shall annually, no later than April 1 of the year following the reporting year, transfer to the President of the Republic of Belarus' Fund for the Support of Culture and Art, 25 per cent of the remuneration it collected for each reporting year.
A contract for the management of property rights (the right to receive the remuneration provided for in paragraph 3 of this Article) must contain a condition stating the rights holder's consent, upon joining such a contract, to the retention of 25 percent of the remuneration collected by the collective management organization for each reporting year and the transfer of these funds to the President of the Republic of Belarus' Fund for the Support of Culture and Art.

5. The collective management organisation that collects the remuneration provided for in paragraph 3 of this Article has the right to receive from state bodies:

- information on the actual volumes of import into the territory of the Republic of Belarus of equipment and/or material media usually used for the personal reproduction of audiovisual works, works and performances embodied in phonograms, and phonograms;
- information on the actual volumes of production and/or sale of the equipment and/or material media specified in the second paragraph of this part, except for the equipment and/or material media exported outside the Republic of Belarus;
- data on legal entities and individual entrepreneurs importing into the territory of the Republic of Belarus the equipment and/or material media specified in the second paragraph of this part;
- information on manufacturers, suppliers (sellers), and the range of equipment and/or material media specified in the second paragraph of this part.

The content of the information specified in the first part of this paragraph, as well as the procedure for its transfer, storage, and use, is determined by the Council of Ministers of the Republic of Belarus.
When collecting, storing, and using information received from state bodies, payers of remuneration, and other persons, the collective management organization ensures compliance with the requirements of legislation on information, informatisation, and information protection.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

D

BULGARIA

6.381 M GDP: EUR 103.74 Bn

CONTACT INFORMATION

COUNTRY	Bulgaria
CURRENCY	EUR
NAME ORGANIZATION	MUSICAUTOR
WEB SITE	https://www.musicautor.org
E-MAIL	musicautor_bg@musicautor.org

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	The law states that an organization, representing the CMOs of the rightsholders is appointed to collect compensations. COPY BG is appointed by its members and after that as a legitimate organization by an administrative order by the Minister of Culture.
EXCEPTION	Yes
LEVY	Equipment: No Media: Yes Cloud Storage: No NPvR: No Reprography: No
TARIFFS	Yes
BENEFICIARIES	Authors, Publishers, Performers, Producers
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Manufacturer, Importer ☑ Payment ☑ Reporting - parties must report the type and quantity of imported items
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	Yes

RATE SETTING

The levies/remuneration are determined according to percentage ranges defined by law, the exact rate for each medium being fixed through negotiations and formalised in a tariff.

REFURBISHED DEVICES

Refurbished devices are not subject to PC Levy.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

BULGARIA

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EXEMPTION AND REFUND

Exemptions are provided for exports and professional use.
The law allows a refund, an application for upfront deduction or rebates.

RTV operators, sound and film producers, and hospitals, as well as social institutions and prisons, are exempt or can receive a refund if the payment levy obligation was collected.

COLLECTION PROCESS

HOW IS THE COLLECTION ORGANISED?

Duty of individual industry debtors to report and pay

HOW FREQUENTLY IS PAYMENT DUE?

Bi-annually

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Not applicable, as the compensation mechanism for private copying levies is not functioning.

DISTRIBUTION PROCESS

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

The CMO is required to distribute the collected remuneration by September 30 of the year following the year in which the amounts were collected.

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, Publishers, Performers, Producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Fixed by law

HOW DO RIGHTSHOLDERS CLAIM THEIR DISTRIBUTION?

By an automatic and periodic distribution through CMOs

DISTRIBUTION KEYS

1/2 for Authors
1/4 for Performers
1/4 for Producers

SOCIAL AND CULTURAL FUNDS

There is a legally mandated social and cultural deduction, with the percentage set by law. The proceeds go to Bulgaria's National Culture Fund to support individual artists, cultural organisations, educational institutions, and independent operators across all art forms, cultural initiatives, and international participation.

BULGARIA

LEGAL BASIS

EXCEPTION AND LEVY

Article 25 of the Law on Copyright and Neighboring Rights of 1993 (as amended up to 2019)

Without consent of the owner of the copyright but upon payment of fair compensation shall be admissible:

(...)

2. reproduction of works, regardless of the carrier, by a natural person for personal use unless done with commercial purposes.
The provision of para 1, item 2, shall not refer to computer software and architectural works.

LEVY ONLY

Art. 26 of the Law on Copyright and Neighboring Rights of 1993 (as amended up to 2019)

(1) Authors of works, performers, producers of phonograms and producers of initial recordings of movies or other audio-visual works shall be entitled to a compensatory remuneration, where the recordings are reproduced for personal use as set out in Art. 25, Para 1, Item 2. A right to compensatory remuneration shall also have the authors and publishers of any kind of print works, when such works are reproduced in reprographic manner for personal use under the conditions of Art. 25, Para 1, Item 1.

(2) Any waiver of the right to compensatory remuneration by the rightsholders referred to in Para 1 shall be invalid.

(3) The remuneration referred to in Para 1 shall be due by the persons who:

1. manufacture blank information carriers;
2. import from third countries blank information carriers.

(4) The remuneration referred to in Para 1 shall be due by the persons referred to in Para 3 for sales of information carriers on the territory of the Republic of Bulgaria, primarily intended for reproduction of works for personal use by natural persons under Art. 25, Para 1, Item 2.

(5) The types of information carriers, which primary use is reproduction in the sense of Art. 25, Para 1, for which remuneration under Para 1 is due, and the amount of the remuneration shall be determined annually by the organizations referred to in Para 8, agreed upon with representative organizations of the persons under Para 3 and 4, as well as with other interested persons. In negotiating the types of carriers and the amount of remunerations shall be taken into account the recording capacity of the carriers and the extent of their use for reproduction in the sense of Art. 25, Para 1.

The amount of remuneration shall not be lower than 1.0 percent or exceed 1.5 percent of the supply value according to the accounting standard for processing the stock reserves of the respective blank information carriers.

For the persons referred to in Para 3 may be negotiated discounts, which amounts and conditions of use shall be determined in the negotiation procedure set for determining the amount of the basic remuneration.

(...)

(10) Compensatory remunerations for blank information carriers shall not be due, or, if collected, restored, when:

1. delivered from the territory of another Member State of the European Union;
2. delivered from the territory of a third country and already levied, without possibility for restoration, with a compensatory remuneration for reproduction, equivalent to the remuneration referred to in Art. 25, Para 1 according to the legislation of the said Member State of the European Union or the third country;
3. they are subject to transactions for export to third countries or delivery to another Member State of the European Union;
4. purchased in the country by a person that has legally obtained the right to make such recordings and has arranged the authors rights and related rights questions related to the recording;
5. purchased by a provider of audio-visual media services/radio services, legally carrying out his activity;

BULGARIA

LEGAL BASIS

LEVY ONLY

6. purchased in the country by manufacturers of movies or other audio-visual works;
7. purchased by medical establishments, specialized rehabilitation hospitals, social establishments and penitentiary establishments.
8. purchased by legal persons, sole entrepreneurs or natural persons - freelancers, whose activity does not presuppose their use for reproduction in the sense of Art. 25, Para 1.

(11) When compensatory remunerations have been collected and are subject to restoration, the facts and circumstances justifying the right to restoration shall be proved by the persons claiming it. The requests, accompanied by the evidence, shall be submitted to the respective organizations referred to in Para 8 within the time limits referred to in Para 12. The organizations referred to in Para 8 shall pronounce on the requests within one month from their submission.

The amounts subject to restoration shall be paid by the organizations referred to in Para 8 within one month from the date of the protocol for granting the requests with the evidence.

(12) The persons, which under Para 4 are due compensatory remunerations, shall be obliged within one month from the end of every calendar six months to provide to the organization under Para 8 a summary of the types and total supply value according to the accounting standard for processing the stock reserves of sold carriers of each type, for which compensation is due. No further detailed information may be requested than the information required for the purpose of allocating the remunerations referred to in Para 1 by the organizations referred to in Para 8. The information received shall not be made public or used for any other purpose except for collecting and allocating the remunerations. The remunerations shall be paid to the organizations collecting them within one month from the end of the accounting period.

COLLECTION AND DISTRIBUTION SYSTEMS

Art. 26 of the Law on Copyright and Neighboring Rights of 1993 (as amended up to 2019)

(..)

(8) The remunerations referred to in para 1, first sentence, and para 1, second sentence, shall be paid to organizations which shall be different for the two separate categories of rights, established as set out in Division "a", by associations, representing the different categories of rightsholders regarding their right to compensatory remuneration and having a mechanism for individual allocation of those remunerations among their members. These organizations shall allocate the remunerations among their members.

Before allocation, 30 percent of the collected amounts shall be deduced and deposited to the account of the National Fund "Culture".

The persons referred to in Para 3 shall be deemed to have fully performed their obligations under this article with the payment of the remunerations referred to in Para 1 to an organization under the first sentence.

(9) The allocation of the collected amounts among the individual categories of rightsholders shall be carried out in the following way:

1. regarding remunerations under para 1, first sentence:
   a) a half - for the authors;
   b) a quarter - for the performers;
   c) a quarter - for the producers;
2. regarding remunerations under para 1, second sentence:
   a) 50% - for the authors;
   b) 50% - for the publishers.

(...)

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

BULGARIA

5/5

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff valid per 25/03/2011	Capacity
SD and Micro SD memory cards	1.1% 1.1%	32 Gb 128 Gb
USB Sticks	1.1% 1.1%	64 Gb 256 Gb
Set top BOX with hard drive	1.1% (Standard HDD) 1.4% (Multimedia HDD)	≤256 Gb & >256 Gb ≤256 Gb & >256 Gb
CD-R/ CD-RW	1.25%	
DVD-R/ DVD-RW	1.25%	
Blu-Ray Disc/ HD DVD	1.25%	
Memory Cards (Flash)	1.1%	

In Bulgaria, the private copying compensation system is based on the Tariff for Compensation under Article 26 of the Copyright and Neighbouring Rights Act, approved by the Ministry of Culture with Order N° RD09-0027/01.02.2012 (effective from 25.03.2011).

This tariff lists specific categories of blank media and recording devices subject to private copying levies. Smartphones, tablets, NPVR (network personal video recorders), refurbished goods, and reprographic devices were not included in the 2011 approved tariff.

At the time, the focus was on traditional blank media (such as CDs, DVDs, Blu-ray discs, USB sticks, memory cards, and external hard drives) rather than multifunctional smart devices. Therefore, no private copying levies apply to smartphones, tablets, or NPVR capacities under the currently effective tariff.

COMMENTS

Musicautor has provided a variety of public authorities with evidence calling for urgent action and amendments to the current private copying legislation. Unfortunately, all efforts to date have been disregarded by the Bulgarian authorities.

At the end of 2018, Musicautor lodged a complaint with the European Commission regarding Bulgaria's non-compliance with Articles 5(2)(a) and (b) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (the InfoSoc Directive). The complaint highlights specific provisions that are inconsistent with the Directive.

The complaint has been officially supported by 10 international organisations, including CISAC, GESAC, and BIEM, which have called on European Commissioner Mariya Gabriel to take all necessary measures to address the situation concerning private copying and reprography in Bulgaria.

In 2025, Musicautor commissioned a study (https://www.cisac.org/Newsroom/articles/cisac-supports-new-study-and-joins-calls-private-copying-remuneration-bulgaria) with Alpha Research, with the support of CISAC, estimating financial losses to rightsholders of EUR 14.3 million in 2024 alone due to a non-functioning private copying system.

In light of the continuing lack of action, Musicautor, in partnership with CISAC, has organised a roundtable and national discussion dedicated to the private copying problem. Bulgaria remains the only EU country where the private copying levy system is not functioning. Leading international experts in the field will participate in the event, aiming to share best practices and propose effective solutions to bring Bulgaria into compliance with European standards.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

CYPRUS

0.936 M **GDP: EUR 33.414 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Cyprus
CURRENCY	EUR

OVERVIEW

EXCEPTION	Yes, it is authorized to make a copy of a work for private use for non-commercial purposes.
LEVY	Yes, a levy is planned in the law but has never been implemented.

LEGAL BASIS

EXCEPTION AND LEVY

Law on Copyright and Related Rights of 1976, amended up to Law No. 55(I)/2022

Art. 7(2)(ie) - Reproduction, on any medium, carried out by a natural person for private use and for purposes that are not directly or indirectly commercial, on condition that the rightsholders receive fair compensation which takes into account whether or not technological measures have been applied to the specific work or other subject matter.

COMMENTS

The Law on Copyright and Related Rights of 1976, as amended (Intellectual Property Law 59/76) — gives copyright holders exclusive rights to control reproduction. This generally prohibits copying without the rights holder's authorisation.

However, there is a legal exception allowing individuals to make copies for private, non-commercial use, provided the rightsholders are entitled to fair compensation. This reflects EU law (specifically Article 5(2)(b) of the InfoSoc Directive), which requires member states to permit such private copying if fair remuneration is ensured.

At present, there is no system or mechanism in Cyprus to collect or distribute this compensation to rightsholders.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

GEORGIA

3.695 M **GDP: EUR 31.22 Bn**

1/2

CONTACT INFORMATION

COUNTRY	Georgia
CURRENCY	GEL

OVERVIEW

EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: No
TARIFFS	By an agreement between the parties.
BENEFICIARIES	Authors, performers and phonogram producers
LIABLE PARTIES FOR PAYMENT	Producers and importers
EXEMPTION	Export, Professional use, and Import by natural persons for personal purposes
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

Remuneration shall be determined through an agreement between producers and importers on the one hand, and the collective management organisations representing the rights of authors, performers, and phonogram producers, on the other hand.

If the parties fail to agree, the amount of the remuneration, shall be determined by “Sakpatenti” - the National Intellectual Property Center. The decision by "Sakpatenti” may be appealed in court within 2 months of a decision.

COLLECTION & DISTRIBUTED PROCESS

HOW ARE THE COLLECTION AND THE DISTRIBUTION ORGANIZED?

The remuneration shall be collected and distributed by one of the collective management organisations of economic rights of authors, performers and phonogram producers, under an agreement concluded between these organisations.

DISTRIBUTION KEYS

40% Authors
30% performers
30% phonogram producers

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

GEORGIA

2/2

LEGAL BASIS

EXCEPTION AND LEVY

Article 21 of the law of Georgia on copyright and neighboring right of 1999 (as amended in 2010)[1]

3. In the case of reproduction of audiovisual work or a work fixed in a phonogram by a natural person for personal use, the author or other copyright owner thereof, shall, in contrast to the rule provided for in paragraph one of this Article, be entitled to the receipt of respective remuneration.

4. The remuneration for the reproduction for personal use shall be paid by producers and importers of the equipment (audio- and video recorders and other equipment) and of material carriers (audio and video tapes, cassettes, laser discs, compact discs, and other material carriers).

COLLECTION AND DISTRIBUTION SYSTEMS

Article 21 of the law of Georgia on copyright and neighboring right of 1999 (as amended in 2010)

5. The remuneration shall be collected and distributed by one of the organizations that administer the economic rights of authors, performers and phonogram producers on a collective basis, under an agreement concluded between these organizations. Unless the agreement provides otherwise, the remuneration shall be distributed as follows: 40 percent - to the authors, 30 percent - to the performers, and 30 percent - to the phonogram producers.

6. The amount and the payment procedure of the remuneration shall be determined by an agreement between the said producers and importers on the one hand and with one of the organizations that administer the economic rights of authors, performers and phonogram producers on a collective basis on the other hand. If the parties fail to agree, the amount of the remuneration, its calculation and payment procedure shall, subject to the request by any party or the parties, be determined by "Sakpatenti". The decision by "Sakpatenti" may be appealed against in court within 2 months of its making.

7. The remuneration shall be distributed among the authors of the works and other owners of copyright and related rights, referred to in paragraphs 3 and 5 of this Article.

8. The remuneration shall not be distributed in respect to the equipment and material carriers provided for by paragraph 4 of this Article, which represent:

a. the subject of export;
b. the professional equipment not intended for domestic use.

9. The remuneration shall not be also paid in the case of importation of the said equipment and material carriers by natural persons for personal purposes.

10. The right of reproduction of the copyrighted works provided by this Law shall not apply to a temporary copy.

COMMENTS

Remuneration for Private Copying is being collected, but it remains unreported as to distributions.
No further detailed information has been provided

[1] Free translation

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

LUXEMBOURG

0.672 M **GDP: EUR 86.104 Bn**

CONTACT INFORMATION

COUNTRY	Luxembourg
CURRENCY	EUR
NAME ORGANIZATION	SACEM Luxembourg
WEB SITE	www.sacem.lu
E-MAIL	info@sacemlux.lu

OVERVIEW

EXCEPTION	Yes, it is authorized to make a single copy of a work for private use for non-commercial purposes, and from a legal source.
LEVY	Yes, a levy is planned in the law but never implemented.

LEGAL BASIS

EXCEPTION AND LEVY

Article 10 of Law of 2001 on Copyright, Related Rights and Databases (as amended up to 2004)[1]

When a work, other than a database, has been lawfully made accessible to the public, the author may not prohibit:

(...)

4° reproduction on any medium by a natural person for their own private use and for purposes that are not directly or indirectly commercial, provided that the rightsholders receive fair compensation, which takes into account the application of the technological measures referred to in Articles 71ter to 71quinquies of this Act to the works concerned. The conditions for recording and collection, as well as the level of this compensation, shall be set by Grand Ducal regulation.

COMMENTS/DEVELOPMENTS

The Copyright Act refers to a compensation system but does not include provisions as to how such system should be set up and administered.

A governmental regulation that must determine the tariffs is still under discussion.

[1] Free translation

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MALTA

0.553 M **GDP: EUR 22.471 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Malta
CURRENCY	EUR

OVERVIEW

EXCEPTION	Yes, it is authorized to make a single copy of a work for private use for non-commercial purposes.
LEVY	A levy is planned in the law but has never been implemented.

LEGAL BASIS

EXCEPTION AND LEVY

Article 9 of Copyright Act of 2000 as amended up to 2023 (Chapter 415)

(1) Copyright in an audio-visual work, a database, a literary work other than in the case of a computer program, a musical or artistic work shall not include the right to authorize or prohibit:

(…)

(c) reproductions on any medium made by a natural person for private use and for ends that are neither directly nor indirectly commercial, on condition that the rightholders receive fair compensation which takes account of the application or non-application or technological measures to the work or subject-matter concerned;

(…)

(3) The exceptions and limitations provided for in this article shall only be applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MONTENEGRO

0.634 M GDP: EUR 7.42 Bn

CONTACT INFORMATION

COUNTRY	Montenegro
CURRENCY	EUR
NAME ORGANIZATION	PAM CG
WEB SITE	http://www.pam.org.me
E-MAIL	office@pam.org.me

OVERVIEW

EXCEPTION	Yes, reproduction of a published work by a natural person for private use is permitted if the copies are not available to the public and if the reproduction is not done for direct or indirect economic advantages.
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: Yes
TARIFFS	Yes, determined through an agreement between the societies for the collective administration of rights and by producers and importers.
BENEFICIARIES	Authors, performers, publishers, phonogram and audiovisual producers
LIABLE PARTIES FOR PAYMENT	Importer and manufacturer
EXEMPTION	Export: commercial reproduction of Copyright works for which the acquisition of an authorization by the rightsholders is prescribed; persons with disability; import for personal and non-commercial use, as part of one's personal luggage.
SOCIAL AND CULTURAL DEDUCTIONS	No

COLLECTION PROCESS

HOW IS THE COLLECTION ORGANIZED?

The Society for the collective administration of copyright and related rights should be responsible for collecting the levy; however, there is currently no effective mechanism in place.

MONTENEGRO

2/3

LEGAL BASIS

EXCEPTION AND LEVY

Art. 52 of Law on Copyright and Related Rights (Official Gazette of Montenegro, No. 37/2011, 53/2016 and 145/2021)

Article 52 - Reproduction for private and other internal purposes
Subject to Article 36 of this Act, the reproduction of published work is permitted without acquiring the corresponding property right and without payment of a fee, by:

1) a natural person: (…)

b) on other medium if the reproduction is made for private use, if the copies are not available to the public and if the re production is not done for direct or indirect financial gain;

(…)

The reproduction of the entire work from paragraph 1 of this article, such as entire books, musical scores, electronic databases, and computer programs, is prohibited, as is the construction of architectural works based on designs and copies that have been illegally reproduced or made available to the public.

LEVY ONLY

Art. 36-37-38 of Law on Copyright and Related Rights (Official Gazette of Montenegro, No. 37/2011, 53/2016 and 145/2021)

Article 36 - Right to remuneration
The author has a right to a portion of a remuneration for making a sound or visual fixation and for photocopying of his work done under Article 52 of this Act.

Remuneration with respect to sound or visual fixation shall be paid upon the first sale or importation of new:

1) appliances for sound or visual fixation, and
2) blank audio or video fixation mediums.

The remuneration with respect to photocopying shall be paid upon the first sale or importation of new appliances for photocopying.
Importation as used in Par. (2) and (3) of this Article shall be understood to mean the release of goods into free circulation in accordance with customs regulations.
Photocopying as used in Par. (1) of this Article shall also include other technical reproduction procedures, and appliances for sound or visual fixation also other appliances producing similar effect.
The author may not waive or assign the right to remuneration under Par. (1) of this Article, neither may it be subject to civil execution.

Article 37 - Persons jointly liable
Liable to pay remuneration under Article 36, Par. (1) of this Act shall be the manufacturer and importer of appliances and audio or video fixation media respectively.

The manufacturer and importer shall be jointly liable to pay the remuneration under Article 36 of this Act.
The persons referred to in Par. (1) of this Article shall not be liable to pay remuneration for appliances and fixation mediums intended for:

1) export;
2) commercial reproduction of copyright works for which the acquirement of an authorization by the rightsholders is prescribed;
3) reproduction of copyright works for the needs of persons with a disability;
4) import for personal and non-commercial use, as part of one's personal luggage.

The person referred to in Par. (1) of this Article shall submit, quarterly in the course of a calendar year, reports to the Society for the collective administration of copyright and related rights on the type and number of manufactured or imported appliances and media.
The Society for the collective administration of copyright and related rights may use the information obtained under Par. (4) of this Article only for the purpose of administration of the rights under this Act.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

MONTENEGRO

3/3

LEGAL BASIS

LEVY ONLY

Article 38 - Amount of remuneration

The remuneration under Article 36 of this Act, which belongs to all rightholders entitled under this Act, shall be set by an agreement entered into by the societies for the collective administration of rights and by producers and importers, in accordance with Article 172 of this Act.

The amounts of remuneration referred to in Par. (1) of this Article shall be set for:

1) each sort of appliance per piece for sound fixation and each appliance for visual fixation;
2) each appliance which operates without audio and visual fixation media in a double amount of the amount set for appliances referred to in subparagraph 1 of this paragraph;
3) each audio and visual fixation medium per piece depending on the duration of the fixation;
4) each photocopying appliance depending on its capacity (number of copies per minute), and its capacity to make colour copies (for which the amount may be set as the double of the amount for black-and-white copying), etc.

When setting the remuneration under Par. (2) of this Article the amounts may be increased or reduced depending on whether the technological measures referred to in Article 186 of this Act are applied.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

NORTH MACEDONIA

1.819 M GDP: EUR 15.42 Bn

CONTACT INFORMATION

COUNTRY	North Macedonia
CURRENCY	MKD
NAME ORGANIZATION	ZAMP MACEDONIA
WEB SITE	www.zamp.com.mk
E-MAIL	zamp@zamp.com

OVERVIEW

EXCEPTION	Yes, it is defined as a reproduction on any medium, made by a natural person for private use, without direct or indirect commercial advantage.
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPvR: No Reprography: Yes
TARIFFS	Determined by the National Government
BENEFICIARIES	Authors, performers, phonogram and film producers
LIABLE PARTIES FOR PAYMENT	Manufacturers and importers
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

Determined by the National Governement. Tariffs are determined separately for each type of equipment for audio and visual fixation, based on the recording capacity and fluctuations in prices and living costs.

COLLECTION PROCESS

The remuneration shall be paid at the first sale or importation of devices according to the manufacturer's declaration enable sound and/or visual recording or photocopying.

DISTRIBUTION PROCESS

DISTRIBUTION KEYS
40% Authors
30% Performers
30% Phonogram and film producers

NORTH MACEDONIA

LEGAL BASIS

EXCEPTION AND LEVY

Article 54 of Law on Copyright and Related Rights of 2010

Part 4 - Exception and limitation
Article 54 – Use with compensation

The use of a copyright work with fair compensation shall apply to the following cases:

(…)

2. Reproduction on any medium, made by a natural person for private use, without direct or indirect commercial purpose;

LEVY ONLY

Art. 46-47-48 of Law on Copyright and Related Rights of 2010

Subsection 3. Right of compensation for reproduction for private use Right of fair compensation

Article 46 – Right of Fair Compensation

(1) The reproduction for private purpose shall be subject to payment of fair compensation.

(2) The compensation under paragraph 1 of this Article for reproduction of phonograms and video grams shall be paid at the time of the first sale or import of equipment for sound and visual fixation and new blank sound or sound and image carriers.

(3) The compensation under paragraph 1 of this Article for photocopying shall be paid at the time of the first sale or import of photocopying equipment, and upon making photocopies intended for sale, on a monthly basis, according to the possible number of photocopies.

(4) As equipment for sound and visual fixation shall be considered all other devices which enable to achieve the same effect, and as photocopying shall be considered other reproduction techniques, as well.

(5) The author shall have the right to a share of the compensation under paragraph 1 of this Article for the reproduction of phonograms and video grams and for the photocopying of his work, which is carried out for private use.

(6) The right of fair compensation under paragraph 1 of this Article may not be subject to waive, disposal or judicial execution.

Article 47 - Entities obliged to make payment

(1) The duty to pay the fair compensation under Article 46 of this Law shall rest with producers and importers of equipment for sound and visual fixation, photocopying equipment, blank sound or sound and image carriers, as well as persons carrying out photocopying services.

(2) The entities under paragraph 1 of this Article shall be obliged, upon request by the relevant society for collective management of copyright and related rights, to submit data concerning the type and number of sold or imported equipment and sound or sound and image carriers, as well as data concerning photocopies made.

Article 48 - Amount of the Fair Compensation

(1) The amount of the compensation under Article 46 of this Law shall be determined by the Government of the Republic of Macedonia.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

NORTH MACEDONIA

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LEGAL BASIS

LEVY ONLY

(2) The fair compensation under paragraph 1 of this Article shall be determined separately for each type of equipment for audio and visual fixation, for each fixation equipment which, due to its construction, does not require any special material to function (in an amount twice as much as the usual), for each sound or sound and image carrier based on the recording time, for each photocopying equipment based on the possible number of copies per minute and based on the possibility to copy in color (in an amount twice as much as the amount for black and white photocopying), as well as for each photocopy intended for sale.

(3) The Government of the Republic of Macedonia shall harmonize the amounts of the compensations under paragraph 1 of this Article according to the fluctuation of the prices and the costs of living in the Republic of Macedonia.

COLLECTION AND DISTRIBUTION SYSTEMS

Art. 131-145 of Law on Copyright and Related Rights of 2010

Article 131 - Rights managed collectively
Rights that can be managed collectively shall be, in particular:

(...)

8. The right of fair compensation of the author, the performer and the phonogram producer for the reproduction of the phonogram for private use;

9. The right of fair compensation of the author, the performer, and the film producer for the reproduction of the video gram for private use;

Article 145 - Special cases of distribution of remuneration
The distribution of the fair compensation determined with Articles 46, 105, 111, 114 and 116 of this Law shall be carried out in the following proportion:

1. From the compensation collected for reproduction for private use of phonograms or video grams according to this Law, the authors shall receive 40%, the performers 30% and the phonogram or film producers 30%.

(...)

TARIFFS IN LOCAL CURRENCY

Decision on the amount of the Single Equitable Remuneration of copying in Private Use (Adopted 22/10/2011 - Entry into force 02/11/2011)

Storage Media	Tariff per device	Capacity
Cassette player, Tape Recorder or other equivalent device for sound recording	30.00	-
Video recorder and other equivalent device for visual recording	210.00	-
Devices for audio recording (CD), Devices for audio/video recording (DVD), Devices for recording MiniDisc (MD) And other equivalent devices for sound and/or visual recording	360.00	-

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM BUT WITHOUT COLLECTION AND DISTRIBUTION MECHANISMS

NORTH MACEDONIA

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff per device	Capacity
PC computer as a whole Hard drives, USB flash drives DVD burners, MP3, MP4 players Mobile phones, Other devices with integrated memory and other equivalent devices	50.00	-
Analogous carriers (Audio cassette, videotape and others)		
Sound carriers	1.20 2.40	Up to 120 mins Over 120 mins
Sound and Image carriers	2.40 3.60	Up to 180 mins Over 180 mins
Digital carriers [Audio (CD), video (DVD), MiniDisc (MD) and others]	1.00 for each started 90 min of the recording time	
Portable carrier with an integrated memory unit, which is intended only for visual recording	250.00 510.00	Memory capacity up to 16 GB Memory capacity over 16 GB
Carrier which is not exclusively designed for audio and/or visual recordings: audio data (CD), video data (DVD), computer hard drive, memory card (e.g. CF, SD, SDHC) transmission carrier with an integrated memory unit which is not exclusively designed for digital audio and/or visual recordings (e.g. mobile phone, portable computer) and other suitable carrier.	2.00 for each launched With a maximum of 1,020	1 GB memory capacity
Reprographic devices (i.e., devices for text and image copying only)[1]	200.00 300.00 500.00 80.00	Up to 12 copies/ppm From 13 to 36 copies/ppm Over 36 copies/ppm Other devices (Scanner, etc.)

[1] Remuneration for each for color photocopying is doubled.

COMMENTS

There is currently no collective management organization (CMO) that holds a license for private copying. As a result, there is no authorized body responsible for administering or collecting private copying remuneration in the country.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

AUSTRIA

9.159 M GDP: EUR 481.74 Bn

CONTACT INFORMATION

COUNTRY	Austria	
CURRENCY	EUR	
NAME ORGANIZATION	Austro-Mechana	Literar-Mechana
WEB SITE	www.aume.at	www.literar.at
E-MAIL	Direktion@akm.at	office@literar.at

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Austro-Mechana and Literar-Mechana have legal monopolies and special authorisation as collective management societies in line with EU Directive 2014/26 on CMOs, and are supervised by the Special Authority for Collective Societies installed within the Ministry of Justice (Aufsichtsbehörde für Verwertungs gesellschaften). As for the collection of digital private copying levies, Austro-Mechana is additionally contractually mandated and authorized by all other Austrian CMOs having a legal claim to private copying. Literar-Mechana collects reprography levies.
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	No
BENEFICIARIES	AV, Audio, Visual Arts, Literary works, any and all authors, performers and producers of such content
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	The remuneration is collected through levies on media - integrated memory, memory cards or hard disc included - and on digital devices. Levy is also collected on reprographic devices. ☑ Payment: disclosure, must provide information on the type and quantity of levied products placed on the market on request. ☑ Reporting: must report the type and quantity of imported items.
EXEMPTION	Exports and professional use are exempted either upfront (professional use only) or the respective persons can apply for reimbursement of paid levies. Any person showing the prerequisites may apply for reimbursement, not only the first distributor. Reprography: Exemption applies only for exports. Exporters can apply for an ex-post refund of paid levies.
SOCIAL AND CULTURAL DEDUCTIONS	50 % is Sec. 33 para. 2 Collective Management Societies Law 2016. Reprography: Up to 10% on a voluntary basis.

AUSTRIA

RATE SETTING

Levies and remuneration are determined through free negotiations between rights owners and the Chamber of Commerce or set by the *Urheberrechtssenat*, a specialized copyright tribunal foreseen for such cases, if negotiations fail.

For tariffs, the following criteria are relevant according to the law:

1. the comparable tariffs for levies hitherto in force and the total volume of the levy, whereas inadequate changes shall be avoided;
2. the comparable tariffs for levies and their volumes in Member States of the European Union or the Contracting Parties to the EEC;
3. effects on the common exploitation of works and the justified interests of authors;
4. the advantage of the reproducer, and the advantage of the person liable for payment, under consideration of the market development of the respective commercial sector, including the turnover with appliances and storage media;
5. the scope in which storage media and appliance are used on average for reproductions for personal or private use and the total amount of such uses, under consideration of the effects of the application of technical protective measures on the use of the respective works for reproductions due to the levy;
6. the attributes of storage media and appliances with respect to their use, in particular the productivity of appliances and the storage capacity as well as the ability for re-writing of storage media;
7. the commercial interests of manufacturers, merchants and importers of appliances and storage media, which must not be affected unacceptably;
8. an economically adequate relation between the levy and the typical price level of appliances, whereas the appliance levy shall not exceed 11 percent of the price level of such appliances; as far as empirical proof shows a nearly total use of an appliance for uses according to para. 2, this threshold may be exceeded.)

New rates are negotiated at irregular intervals (i.e., tariff negotiations 2010, 2015, 2024). Empirical study is necessary as a basis for levy calculation. Reprography: Rates are aligned frequently based on annual CPI changes.

REFURBISHED DEVICES

Refurbished devices are not subject to levy.

EXEMPTION AND REFUND

Exemptions apply for exports and professional use. A signed form provided by the professional end user can be used to obtain an ex-ante exemption. Regarding ex-post refunds or reimbursements for professional end users, an online application with relevant invoice is required. For exporters, and invoice of purchase, invoice of client, certification of payment, cargo documents or other (in case of smartphones: IMEI-Nubmer of purchase and sale; all of the aforementioned per supplier). For reprographic devices, in case of export: type, brand, model, and serial number of device; purchase and sales invoices and delivery notes of exporter; confirmation of payment of foreign buyer of device.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Importers (who sell the media or appliance for the first time in Austria); distant direct sellers to Austrian private end consumers and manufacturers have to report the amounts themselves to Austro-Mechana or Literar-Mechana.

HOW FREQUENTLY IS PAYMENT DUE?

The law sets the reporting deadline with 15 days from the last quarter in which media has been distributed for the first time in Austria. The payment is due, as determined in the Umbrella Agreement with the Chamber of Commerce, by the end of the reporting month.

AUSTRIA

COLLECTION PROCESS

HOW DO YOU MONITOR THE MARKET?

Austro-Mechana and Literar-Mechana are authorized to check the reports made in accordance with the Umbrella Agreement. We may also request from any whole- or retailer to report any amounts of levied media sold and who is their supplier.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Austro-Mechana and Literar-Mechana are authorized by the relevant industry organizations to obtain detailed information from customs, the Austrian statistics office, and forwarding agents about imports and shipments of devices.

ARE EXPORTS EXEMPTED?

Professional exports are exempted, and a refund can be obtained by presenting the purchase invoice, export invoice, confirmation of payment and other export documents.

DEFINITION OF IMPORT

There is no definition in the law.

WHO IS CONSIDERED IMPORTER?

Austro-Mechana always holds liable the first distributor in Austria, regardless whether he sells to whole-, retailers or end consumers. In case of direct distant sellers to Austrian private end consumers, that seller is hold liable. The act of first sale from an Austrian trader to another Austrian is the relevant act that triggers the reporting and payment obligations, not the physical delivery of the product to Austria. Whenever assessing the seat of a seller or purchaser within or outside Austria, we also consider the respective invoices.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTS HOLDERS?

Austro-Mechana collects the monies and distributes them to the 7 collecting societies authorized to collect the remuneration, including Austro-Mechana itself. The collecting societies involved distribute the monies to their respective rights holders in their own discretion. Literar-Mechana collects reprography levies and distributes to its own rightsholders for text and to Bildrecht for image.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

Depends on the various regulations laid down by each collecting society for its own rightsholders.

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Yes, 9 months after the end of the collection year (CMO-Directive).

FREQUENCY OF DISTRIBUTION

Distribution to other Austrian collective management societies having mandated Austro-Mechana happens on a quarterly basis. Depends on the various distribution plans, in Austro-Mechana, distribution is once a year. Distribution from Literar-Mechana to Bildrecht happens on a quarterly basis and to its own rightsholders up to two times per year.

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors
Publishers
Performers
Producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Free negotiation
Based on empirical study data
Mediation/arbitration

AUSTRIA

DISTRIBUTION PROCESS

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Automatic/periodic distributions through CMOs

DISTRIBUTION KEYS SUBMITTED?

Yes

SOCIAL AND CULTURAL FUNDS

There is a total 50% social and cultural deduction, with 25% social and 25% cultural. The amount/percentage is mandated by law. Funds are used for pensions, social aid for certain emergency situations, and the promotion of cultural activities. Reprography: Deduction of up to 10% on a voluntary basis.

LEGAL BASIS

EXCEPTION AND LEVY

Law

Section 42 para. 2 to 7 Copyright Act

(1) Any person may make single copies of a work for personal use.

(2) Subject to paragraphs (3) and (4), a copy made for the purpose of making the work available to the public shall not constitute reproduction for personal use. Copies made for personal use may not be used for the purpose of making the work available to the public.

(3) Schools and higher educational establishments may make and distribute copies for purposes of teaching or training, in the quantities required for a specific class or lecture (reproduction by schools for their own use). Authorization to make copies by schools for their own use shall not apply to works which, by their nature and designation, are intended for teaching or training.

(4) Establishments which are open to the public and which collect works may, insofar as this is not done for profit (reproduction by collections for their own use),

1. make a single copy of works in their possession; such copy may be exhibited (Section 16(2)), lent (Section 16a) and used in accordance with Section 56b in place of the work copied, subject to the same conditions as that work;
2. make single copies of works which have been made public, but have not been published or which have been sold out; for as long as the work has not appeared or has been sold out, such copies may be exhibited (Section 16(2)), lent under Section 16a and used in accordance with Section 56b.

(5) The following forms of reproduction shall not be permissible at any time without the consent of the person entitled:

1. reproduction of whole books or periodicals, except where copied by hand, unless the work in question has not been published or has been sold out, or where paragraph (4) item 1 applies; the same shall also apply where the copy is not made from the book or periodical itself but from a copy thereof, produced by any method;
2. execution of a work of architecture according to a plan or design or reproduction of such a work.

(6) Schools, universities and other educational institutions may, for purposes of teaching, make and distribute copies to the extent justified thereby, in the number required for a specific class or course ("reproduction for a school's own use"); this also applies to musical scores. On carriers other than those named in paragraph 1, this is permitted only for the pursuit of non-commercial purposes. The authorization does not apply to works which, by their nature and designation, are intended for school or instructional use.

AUSTRIA

LEGAL BASIS

EXCEPTION AND LEVY

(7) Publicly accessible libraries or museums, archives, or institutions active in the field of film or sound heritage ("cultural-heritage institutions") may reproduce, or have reproduced, works that are permanently in their collections—regardless of format or medium—for the purpose of preservation ("reproduction for a cultural-heritage institution's own use"), where and insofar as such reproduction is required for that purpose. This use may not be waived by contract. In addition, publicly accessible institutions that collect copies of works may make, or have made, reproductions for inclusion in their own archive ("reproduction for a collection's own use"), where and insofar as such reproduction is required for that purpose. On carriers other than those named in paragraph 1, this is only permitted if no direct or indirect economic or commercial purpose is pursued. Subject to that limitation, they may also:

1. make one copy from each item in their own holdings and, in place of the copied item, exhibit it (Section 16(2)), lend it (Section 16a), and use it under Section 56b under the same conditions as the original; and
2. make single copies of works that have been made public but not published, or that are out of print, and exhibit them (Section 16(2)), lend them under Section 16a, and use them under Section 56b for as long as the work remains unpublished or out of print.

Section 42a Copyright Act

Reproduction for the Personal Use of Another
Single copies of a work may also be made, free of charge and on order, for the personal use of another person. Such reproduction shall, however, be permissible even if made for payment.

1. where reproduction is by reprography or a similar method;
2. where a work of literature or music is copied by hand.

Section 42b para. 1 Copyright Act

Remuneration (Private Copying and Reprography Levies)

(1) If it is probable that, owing to its nature, a work which has been broadcast or recorded on a video or audio recording medium will be reproduced for personal use by fixing on a video or audio medium, the author shall be entitled to equitable remuneration ("blank cassette levy") if recording material is commercially available on the domestic market; unrecorded video or audio media, suitable for such reproduction, or other video or audio recording media, shall be deemed to constitute recording material.

Section 42b para. 2 Copyright Act Remuneration (Reprography Levies)

(2) If a work is of a type that is likely to be reproduced for personal use using reprographic or similar processes, the author is entitled to appropriate remuneration (reprographic levy),

1. if a device designed for making such reproductions (reprographic device) is placed on the market for commercial purposes within the country (equipment levy) and
2. if a reprographic device is operated in schools, universities, vocational training institutions, research institutions, public libraries, or in institutions that make reprographic devices available for a fee (operator levy).

COLLECTION AND DISTRIBUTION SYSTEMS

Law

Collection: Section 42b para. 3 to 9 Copyright Act

(3) The following persons shall be required to pay such levies:

1. blank cassette or appliance levy: the person who first makes the recording material or reprographic appliance commercially available for payment in Austria; the person who makes the recording material or reprographic appliance commercially available for payment in Austria, but is not the first to put it into circulation or offer it for sale, shall be liable as guarantor and payer; however, persons who, within a six-month period, acquire audio recording media with not more than 5,000 hours playing time and video recording media with not more than 10,000 hours playing time shall be exempt from liability for the blank cassette levy;
2. operator levy: the operator of the reprographic appliance.

AUSTRIA

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

(4) The following circumstances shall be taken into particular consideration in assessing the amount of the levies::

1. in the case of the blank cassette levy, the playing time;
2. in the case of the appliance levy, the capacity of the appliance;
3. in the case of the operator levy, the type and extent of use of the reprographic appliance that is probable in the circumstances, particularly the type of establishment, the location of the appliance and the use normally made of the appliance.

(5) Claims for remuneration under paragraphs (1) and (2) may be asserted only by collecting societies.

(6) The collecting society shall refund the equitable remuneration:

1. to persons who export recording material or reprographic appliances abroad prior to their sale to the end user;
2. to persons who use recording material for reproduction for non-personal use, unless such non-personal use constitutes a free use of the work; prima facie evidence shall suffice.

(7) Claims to remuneration under paragraph (1) **do not arise** if the person liable for payment makes a **prima facie showing** that the storage media will **not be used**, by themselves or by third parties, **for reproductions for own or private use**.

(8) The collecting society must provide on its website a **simple, comprehensible and user-friendly** way to assert the **refund claim** and the **exemption from the payment obligation**, enabling effective assertion **without excessive burden**.

(9) Invoices for the **sale or other placing on the market** of the storage media and devices referred to in paragraphs (1) and (2) must **indicate the amount of remuneration** attributable to the storage medium or device.

LEGAL DEVELOPMENTS

LEGAL DEVELOPMENTS

Austro- Mechana wants to introduce the obligation to report IMEI numbers for mobile phones, in order to control the refunds for exports better. This may be accomplished through changing the umbrella agreement with the competent chamber of commerce.
The Constitutional Court of Austria, with effect of January 2019, has repealed one of the tariff criteria, namely the provision that the tariffs may not exceed 6% of the typical retailers' price of the respective storage media.
The target value limiting the annual revenues to EUR 20 Mil. ended in 2019.

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES? AND WHY?

An online shopping platform (Amazon). Settlement talks were initiated after a negative judgment by Austria's Supreme Court in 2017 (Austrian Supreme Court of 21 February, 2017, 4 Ob 62/16w).

COURT CASES

A case against Amazon is still pending before the Commercial Court of Commerce of Austria. Amazon is still negotiating on a settlement. It is not foreseeable at the moment whether the organisation will have to continue to litigate or not.

EXPLANATION ON DEVELOPMENTS

In 2016, Austro-Mechana settled with nearly all traders of so-called new media in Austria and received supplementary compensation for the years 2012-Q3/2015. From 2016 onwards, annual revenues are more or less stable around the 20 Mil. benchmark.

There is, however, a significant decrease in sales of physical media with the exception of mobile phones. People are relying more on the cloud for private copying and/or streaming services. A levy for cloud private copying is therefore the immediate strategic aim of Austro-Mechana.

AUSTRIA

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)
Smartphones	5.50
Tablets	5.50
External HD	2.25
NPVR subscription capacities (based on the assumption that one hour of recorded program is about 1 Gb of data)	Not Private copying, exclusive rights
SD and Micro SD memory cards	0.45
Set top BOX with hard drive	Up to 40 Gb: 5.85 Up to 80 Gb: 11.90 Up to 160 Gb: 19.70 Up to 250 Gb: 23.40 Up to 400 Gb: 29.25 Above 400 Gb: 39.00
Reprographic devices (i.e., devices for text and image copying only)	
Copier and laser multi-function devices with up to 9 copies per minute, paper size DIN A4	38.08
Copier and laser multi-function devices with up to 9 copies per minute, paper size DIN A3	57.12
Copier and laser multi-function devices with 10 up to 19 copies per minute, paper size DIN A4	57.12
Copier and laser multi-function devices with 10 up to 19 copies per minute, paper size DIN A3	82.52
Copier and laser multi-function devices with 20 up to 39 copies per minute, paper size DIN A4	107.9
Copier and laser multi-function devices with 20 up to 39 copies per minute, paper size DIN A3	184.08
Copier and laser multi-function devices with 40 up to 69 copies per minute, paper size DIN A4	133.3
Copier and laser multi-function devices with 40 up to 69 copies per minute, paper size DIN A3	222.17

AUSTRIA

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)
Reprographic devices (i.e., devices for text and image copying only)	
Copier and laser multi-function devices with 70 or more copies per minute, paper size DIN A4	196.77
Copier and laser multi-function devices with 70 or more copies per minute, paper size DIN A3	571.29
Fax machines (simple machines)	12.69
Fax machines with scanner output	25.40
Fax machines with toner-based print-out	44.43
Scanners (handheld scanners)	6.34
Scanners with up to 12 scans per minute	16.50
Scanners with 13 up to 35 scans per minute	25.40
Scanners with 36 up to 70 scans per minute	50.78
Scanners with over 70 scans per minute	76.18
Inkjet printers	5.72
Laser printers	10.16
Inkjet multi-function devices	12.44

All Other Devices		Capacity
External multimedia-HD with Recording-Function	33.35 37.83 43.88 47.39	up to 250 Gb up to 500 Gb up to 750 Gb above 750 Gb
BluRay-Discs	0.70 per playing hour	-
Media Centre (Home Theatre Personal Computer)	5.40	-
Data CD-R/RW	0.33 per playing hour	-
AV-carrier, video cassettes, DVD-R/RW	0.35 per playing hour	-
Integrated memories in MP3-Players, AV-Player, MP3-Jukeboxes, multimedia player	2.90 4.90 10.40 17.80 20.75 23.70 26.70 29.70	up to 512 Mb up to 1 Gb up to 4 Gb up to 30 G up to 60 Gb up to 90 Gb up to 120 Gb above 120 Gb

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

AUSTRIA

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TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)	Capacity
All Other Devices		
Analogue Audio carriers, camera cassettes, audio tapes	0.23 per playing hour	-
Digital Audio carriers, Audo CD-R/RW, MiniDiscs, DCC and Audio-DAT	0.35 per playing hour	-
Smartwatches	1.30	-
Digital picture frames	2.00	-

REVENUES IN LOCAL CURRENCY

Collection in '000 EUR	2019	2020	2021	2022	2023	2024
Reprographic devices	9,715	10,966	9,751	9,669	10,181	10,690
Digital devices	16,431	16,566	17,175	16,414	14,227	14,303
Total	**26,146**	**27,532**	**26,926**	**26,083**	**24,408**	**24,993**

Percentage distributed*	
Text-Image	14.14%
Musical - Audiovisual	85.16%

* for digital devices only

Notes (reprographic devices): Revenues increased slightly over the years, mainly due to the frequent automatic alignment of the tariffs to the Austrian consumer price index. Any declines in device quantities were in most years at least offset by these tariff alignments which helped to keep revenues stable or growing.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

BELGIUM

11.817 M **GDP: EUR 614.539 Bn**

CONTACT INFORMATION

COUNTRY	Belgium
CURRENCY	EUR
NAME ORGANIZATION	Auvibel
WEB SITE	www.auvibel.be
E-MAIL	auvibel@auvibel.be

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Auvibel is responsible for the collection and distribution of private copying remunerations for all rights owners, and maintains a legal monopoly. Under the Royal Decree of January 21, 1997 Auvibel was appointed for the collection and distribution of the levies for private copying.
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: Yes Reprography: Yes (Printers, Multi-function)
TARIFFS	Yes, by law. The tariffs and the list of products subject to remuneration are set in a Royal Decree by the competent Minister after consulting the Consultative Commission of interested parties for private copying.
BENEFICIARIES	Auvibel is based on a structure that serves its 19 members, all of them being management companies that represent the four categories of claimants (authors/composers, producers, performing artists, publishers) for each category of works (sound, audiovisual, literary, graphic or plastic) as provided by the law: Board of Authors/Composers of works recorded on a sound medium (deAUTEURS, JAM, SABAM, SACD, LaScam, Assucopie) Board of Producers of works recorded on a sound medium (PROCIBEL, SIMIM) Board of Performing Artists of works recorded on a sound medium (PLAYRIGHT) Board of Authors/Composers of works recorded on an audiovisual medium (deAUTEURS, JAM, SABAM, SACD, LaScam, SOFAM, Assucopie) Board of Producers of works recorded on an audiovisual medium IMAGIA, PROCIBEL) Board of Performing Artists of works recorded on an audiovisual medium (PLAYRIGHT) Board of Authors of literary and graphic or plastic works (ASSUCOPIE, deAUTEURS, JAM, SABAM, SACD, LaScam, SOFAM, VEWA) Board of Publishers of literary and graphic or plastic works (COPIEBEL, COPIEPRESSE, Librius, LICENSE2PUBLISH, REPRO PP, REPROPRESS, SABAM, SEMU)

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

BELGIUM

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OVERVIEW

LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	☑ Payment ☑ Disclosure of information on the type and quantity of levied products placed on the market on request. ☑ Reporting - parties must report the type and quantity of imported items ☑ Auditing
EXEMPTION	Export/professional use.
SOCIAL AND CULTURAL DEDUCTIONS	Yes

RATE SETTING

Levies/remuneration are determined by Law. The tariffs and the list of products subject to remuneration are set in a Royal Decree by the competent Minister after consulting the Consultative Commission of interested parties for private copying.

The criterion used for determining levies and level of remuneration is an estimation of the harm caused and a market analysis of the products used to make private copies. Negotiations for new tariffs are initiated if one of the parties concerned (rightsholders, industry, consumers, etc.) so requests. There is no legal obligation for an empirical study to be used as a basis for levy calculation.

REFURBISHED DEVICES

Refurbished devices are subject to levy, and refurbishers are obliged to pay the levy. Levies differ for refurbished devices vs. new devices.

EXEMPTION AND REFUND

Exemptions or refunds apply for exports, professional use and list of article XI.233, §1 of the Code of Economic Law.

No products are per-se exempt from levies.

Regarding ex-ante exemptions, an agreement between Auvibel and manufacturers or importers (some conditions are necessary for the importers), a declaration on honor from the professional user to the liable party, a monthly report to Auvibel of the devices and media who were brought into circulation on the national territory by professional users are provided.

For refunds, parties must provide purchase invoices plus (i) for exports/intra-EU deliveries, proof of export (sales invoices and transport documents); (ii) for entities under Art. XI.233 §1 ELC, the company's articles of association; and (iii) for professional use, a written request to Auvibel with purchase invoices and a sworn statement of exclusive professional use. Ex-post refunds are filed by the end user, but professional users may authorize contributors, distributors (wholesale or retail), or a recognized professional organization to apply on their behalf.

BELGIUM

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of individual industry debtors to report and pay

HOW DO YOU MONITOR THE MARKET?

Part of the mission of Auvibel is to undertake regular checks on the declaration by auditing the reporting process and the accounting of the legally responsible parties. Auvibel also purchases market data regarding the sale in Belgium of products submitted in order to compare it with collection.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

The law allows Auvibel to exchange information with various public authorities.

ARE EXPORTS EXEMPTED?

Yes in certain cases: exports from wholesalers or manufacturers are exempted as their responsibility starts only upon the first sale in Belgium.

DEFINITION OF IMPORT

The Royal decree of 18 October 2013 gives definitions.

WHO IS CONSIDERED IMPORTER?

The Royal Decree of 18 October 2013 defines the importer as someone who provides devices and blank media on the Belgian market which are subject to the levy for private copying and coming from a non-EU country and the intra-EU purchaser as someone who provides devices and blank media on the Belgian market which are subject to the levy for private copying and coming from a country that is a member of the European Union.

With regard to e-commerce, the Belgian court has pronounced as follows on this matter:
"Anyone who offers products liable for the remuneration for private copying via a website and who thereby aims expressly at Belgian customers, makes specific advertising, takes the initiative of and bears responsibility for importing those products into Belgium, which is also presented in the general conditions of sale thereof".

DISTRIBUTION PROCESS

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

There is a maximum percentage per collecting societies provided for in the Code of Economic Law (art. XI.256): 15% of the average of collection overt the three last years. This percentage may be exceeded provided that justification for exceeding it is given in the annual report.

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Yes:
For Auvibel: 9 months from the end of the financial year in which the remuneration was collected.
For members of Auvibel: 6 months from receipt of these sums.

WHICH RIGHTS HOLDERS ARE INCLUDED?

Authors
Publishers
Performers
Producers

BELGIUM

DISTRIBUTION PROCESS

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Automatic/periodic distributions through CMOs

DISTRIBUTION KEYS SUBMITTED?

Yes

SOCIAL AND CULTURAL FUNDS

There are Social and Cultural deductions, determined by a decision of the general meeting with a maximum imposed by law 10%.

LEGAL BASIS

EXCEPTION AND LEVY

1. Book XI on "Intellectual Property" of the Code of Economic Law and provisions related to Book XI in Books I, XV and XVII of the same Code

Art XI.190 - Where the work has been lawfully disclosed, the author may not prohibit:

(...)

9° Reproduction of works, **except for musical scores**, made by a **natural person for private use** and **for purposes that are not directly or indirectly commercial**.

2. Royal Decree of 18 October 2013 on the right to remuneration for private copying

LEVY ONLY

Art XI.229

Authors, performers and producers of phonograms and audiovisual works **have a right to remuneration for private copying** (...) when reproduction occurs under Arts. XI.190, 9° & 17°, and XI.217, 7° & 16°. The remuneration is **paid by the manufacturer, importer or intra-EU acquirer** of media plainly used for private copying, or of devices plainly used for such copying, when placed on the national market. The **King determines** which devices/media are plainly used for private copying. The remuneration is **distributed** per Art. XI.234 by the Belgian **collecting societies/CMOs** that manage it. The **King designates one representative CMO** to ensure **collection and distribution**. An author or performer who has assigned this right **retains** a right to **equitable remuneration** for private copying.

COLLECTION AND DISTRIBUTION SYSTEMS

Art. XI.232

The **King determines**, by categories of technically similar **media and devices** which He defines, **whether they are plainly used** for the private reproduction of works and performances, and **sets the modalities for collection, distribution and control** of the remuneration, as well as **the moment it falls due**.

The King may, on a specific list, determine categories of technically similar media and devices **not** plainly used for private copying and **not** subject to the private-copy remuneration.

BELGIUM

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

Computers or categories of computers as defined by the King can be made subject to the remuneration—or placed on the specific list mentioned in the previous paragraph—**only by Royal Decree deliberated in the Council of Ministers**.

At the same time as He determines the status of devices and media, the **King fixes by Royal Decree** (deliberated in the Council of Ministers) **the remuneration referred to in Art. XI.229**.

This remuneration is **established by category** of technically similar devices and media.

A device plainly used for private copying of works and performances **that permanently incorporates a medium** is subject to **only a single remuneration**.

In fixing the remuneration, **particular account is taken** of whether or not technological measures (Arts. I.13, 7°, XI.291 and XV.69) have been applied to the relevant works or performances.

The amount of the remuneration **may be revised every three years**; if the conditions justifying the amount have **manifestly and durably changed**, it **may be revised earlier**; an early revision must be **reasoned** by the change in initial conditions.

The **absence of technological measures** may **not prejudice** the right to remuneration as defined in **Art. XI.229**.

Art. XI.233

The remuneration under **Art. XI.229** is **refunded**, under modalities set by the King, to:

(1) **producers of sound and audiovisual works**;
(2) **broadcasting organizations**;
(3) **officially recognized and publicly subsidized institutions** for preserving sound/audiovisual documents (**refund only** for media intended for preservation and **on-site consultation**);
(4) **blind, visually impaired, deaf and hard-of-hearing persons** and **recognized institutions** for them;
(5) **recognized educational institutions** using sound/audiovisual material **for teaching or scientific purposes**;
(6) **recognized hospitals, prisons and youth-care institutions**.

In addition, the King may, by Royal Decree deliberated in the Council of Ministers, designate other categories of natural or legal persons who either (1) **benefit from full or partial refund** of remuneration passed on to the media/devices they purchased, or (2) **for whom the payers under Art. XI.229 are exempted or refunded** (in whole or in part) for the media/devices acquired by those persons.

Such **refunds/exemptions must be duly justified**, either (1) to guarantee, without prejudice to creation, **the most equal access for all to ICT**, where the remuneration would otherwise hinder that access, or (2) to guarantee acquisition by **persons who manifestly do not use** the equipment for the reproductions covered by **Art. XI.229**.

The King determines the **conditions** for refund or exemption.

Art. XI.234

§1. For the remuneration under **Art. XI.229**, the **King may determine the allocation key** among the following categories of works:

(1) literary;
(2) graphic or plastic art;
(3) sound;
(4) audiovisual.

The portion of the remuneration relating to **sound** and **audiovisual** works is **divided in thirds** among **authors, performers and producers**. The portion relating to **literary** and **graphic/plastic** works is **attributed to authors**.

BELGIUM

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

The two preceding paragraphs are **mandatory**.

The portions to which authors and performers are entitled (for sound/audiovisual works), and the authors' portion for literary/graphic/plastic works, are **inalienable**.

§2. The **Communities and the Federal State may allocate 30%** of the proceeds to **promoting creation**, by cooperation agreement.

LEGAL DEVELOPMENTS

Royal decree on private copying remuneration, updated begin 2026

In force: 01-03-2026.

COURT CASES

At the end of 2019, Auvibel brought an action against the Belgian State for failure to comply with its obligation of result after finding that the Belgian system did not compensate rights holders for the harm suffered as a result of the private copy exception. The case is now before the Court of Appeal.

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)
Smartphones	4.00
Tablets	4.00
External HD	5.00
SD and Micro SD memory cards	1.00
USB Sticks	1.00
Set top BOX with hard drive	4.00
Other: refurbished or remanufactured goods	60%

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

BELGIUM

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REVENUES IN LOCAL CURRENCY

Collection in '000 EUR	2019	2020	2021	2022	2023	2024
Total	**18,666**	**17,020**	**16,629**	**21,077**	**20,153**	**20,784**

Percentage distributed	2019	2020	2021	2022	2023	2024
Text-Image	13.50%	14.22%	19.36%	21.00%	21.00%	21.00%
Musical	41.50%	40.00%	39.08%	39.50%	39.50%	39.50%
Audiovisual	40.00%	45.78%	41.57%	39.50%	39.50%	39.50%

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

BOSNIA AND HERZEGOVINA

3.455 M GDP: EUR 26.62 Bn

CONTACT INFORMATION

COUNTRY	Bosnia and Herzegovina	
CURRENCY	BAM	
NAME ORGANIZATION	AMUS	Original Association
WEB SITE	www.amus.ba	https://original.co.ba
E-MAIL	international@amus.ba	info@original.co.ba

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Administrative: Institute for Intellectual Property of Bosnia and Herzegovina.
EXCEPTION	Yes
LEVY	Equipment: Yes Media: No Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	Yes
BENEFICIARIES	Authors, Publishers
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	☑ Payment ☑ Disclosure of information on the type and quantity of levied products placed on the market on request. ☑ Reporting - parties must report the type and quantity of imported items.
EXEMPTION	No
SOCIAL AND CULTURAL DEDUCTIONS	Yes

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

General Scheme: Levies and remuneration are determined by a mix of law and negotiation. For reprographic devices, by law or other legal instruments.

Reprographic Devices: The actual number of copies made is used for determining the level of levies/remuneration.

New rates are negotiated regularly, every three years. An empirical study necessary as a basis for levy calculation for reprographic devices.

BOSNIA AND HERZEGOVINA

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of individual industry debtors to report and pay

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

No, they don't share information on import.

ARE EXPORTS EXEMPTED?

No

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

General Scheme:
Text - ORIGINAL
Music – AMUS FONOGRAM
Audiovisual works - REPROBOS
Videoclips - UFI

Reprographic Devices: Reprography - Original Association

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

Under General and Reprographic Schemes: Yes, 30%

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Reprographic Devices: No

WHICH RIGHTSHOLDERS ARE INCLUDED?

Reprographic Devices: Authors, Publishers

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

General Scheme: Automatic/periodic distributions through CMO's

Reprographic Devices: N/A

DISTRIBUTION KEYS

General Scheme: Authors of musical works 30,01%, Performers of musical works 23,33 %, Phonogram producers 23,33% and Film producers 23,33%

Reprographic Devices:
50% Authors
50% Publishers (original association)

SOCIAL AND CULTURAL FUNDS

Social and Cultural funds are provided for, and consist of up to 10% of revenue. The funds are to be used for the purposes and the improvement of the social conditions of members.

BOSNIA AND HERZEGOVINA

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LEGAL BASIS

EXCEPTION AND LEVY

Article 46 of the Copyright and Related Rights Law of 2010

Article 46 - (Private and other Internal Reproduction)

(1) Without prejudice to the rights referred to in paragraph (1) of Article 36 of this Law, the reproduction of a disclosed work shall be free if only one copy has been made and if the conditions referred to in paragraphs (2) and (3) of this Article have been met.

(2) A natural person may reproduce a work freely:

(…)

b) on any other media, provided that he does it for private use, provided that the copies are not intended for or accessible by the public and provided that such reproduction is not aimed at gaining direct or indirect economic advantage.

(…)

(4) Unless otherwise provided by this Law or a contract, and independently of the provisions of paragraphs (1), (2) and (3) of this Article, the reproduction of the following shall not be permitted:

a) written works to the extent of the whole book – unless the copies of such book are out of print for a minimum of two years;
b) graphic editions of musical works (sheet music) – except by means of handwritten transcription,
c) electronic databases and computer programs,
d) works of architecture, in the form of building an architectural structure,
e) any work if such reproduction would be contrary to the ordinary exploitation of a work and detrimental to the legitimate interests of the author or copyright holder to an unreasonable extent.

LEVY ONLY

Articles 36-37-38 of the Copyright and Related Rights Law of 2010

Article 36 - (Right to Remuneration for Private and Other Internal Use)

(1) If, under the provisions of Article 46 of this Law, a work may be reproduced without author's consent, the author of the works which, due to their nature, may be expected to be reproduced by photocopying or recording them on sound, video or text recording media for private or other internal use shall have the right to remuneration for such use.

(2) The remuneration, referred to in paragraph (1) of this Article, for sound and visual recording shall be payable: a) at the first sale or importation of new technical devices for sound and visual recording and b) at the first sale or importation of new blank sound, video or text recording media.

(3) The remuneration for photocopying referred to in paragraph (1) of this Article shall be payable: a) at the first sale or importation of new photocopying devices, b) on made photocopies intended for sale.

(4) For the purposes of this Law, the importation into Bosnia and Herzegovina shall mean any release into circulation and any bringing of goods into the territory of Bosnia and Herzegovina, with the exception of small quantities intended for private and non-commercial use, which are brought into as a part of personal luggage or sent in small consignments.

(5) Equal to photocopying shall be considered all other reproduction techniques, and equal to sound and visual recording devices shall be considered all other devices allowing for the achievement of the same effect.

BOSNIA AND HERZEGOVINA

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LEGAL BASIS

LEVY ONLY

(6) The right to remuneration under the provision of paragraph (1) of this Article may not be subject to waiver, disposal with during lifetime and execution.

Article 37 - (Persons Liable to Pay Remuneration)

(1) The remuneration referred to in paragraph (2) and item a) of paragraph (3) of Article 36 of this Law shall be paid by the manufacturers of sound and visual recording devices, manufacturers of photocopying devices and manufacturers of blank audio and video recording media.

(2) If the devices and blank media referred to in paragraph (1) of this Article are imported into Bosnia and Herzegovina, the remuneration referred to in Article 36 of this Law shall be paid by the importer.

(3) The manufacturers referred to in paragraph (1) of this Article shall not pay remuneration for the devices and blank media which are exported from Bosnia and Herzegovina.

(4) The remuneration referred to in item b) of paragraph (3) of Article 36 of this Law shall be paid by natural persons and legal entities rendering photocopying services against payment.

Article 38 - (Amount of Remuneration)

(1) The amounts of individual remunerations for private and other internal reproduction, belonging collectively to all right holders under this Law, shall be fixed by the Council of Ministers of Bosnia and Herzegovina.

(2) The amounts referred to in paragraph (1) of this Article shall be fixed separately for different categories of devices and media as follows:

a) for any sound recording device – dependent on the technology (analogue, digital) and the fact whether such devices are intended exclusively for the reproduction of sound recordings or not,
b) for any audiovisual recording device – dependent on the technology (analogue, digital) and the fact whether such devices are intended exclusively for the reproduction of audiovisual or video recordings or not,
c) for any blank audio or video recording media – dependent on the technology (analogue, digital) and maximum duration of sound or picture reproduction,
d) for any photocopying device or other device with similar reproduction technique (fax, printer, photo printer and the like) – dependent on the maximum number of copies per minute and the possibility of color reproduction,
e) for every single photocopy made for sale to natural persons.

COLLECTION AND DISTRIBUTION SYSTEMS

Article 22 of the Law on the Collective Management of Copyright and Related Rights in Bosnia

(Special Cases of the Distribution of Remunerations)

(1) The remuneration received on the basis of the right to remuneration for private and other internal use which is paid, according to the law governing copyright and related rights, at the first sale or importation of new technical devices for sound and visual recording and new blank sound, picture or text fixation media, shall be divided among authors, performers and phonogram producers or film producers in the ratio of 40:30:30.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

BOSNIA AND HERZEGOVINA

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TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (BAM)	Capacity
Smartphones	2.80 4.20	128 Gb 256 Gb
Tablets	0.80	
External HD	0.80	
SD and Micro SD memory cards	0.80	
USB Sticks	0.80	
Set top BOX with hard drive	4.00	
Reprographic devices devices (i.e., devices for text and image copying only)		
Photocopier: Up to 25 photocopies per minute	10.00	
Up to 35 photocopies per minute	20.00	
Up to 55 photocopies per minute	30.00	
Up to 65 photocopies per minute	50.00	
Up to 75 photocopies per minute	75.00	
Above 75 Photocopies per minute	100.00	
Scanner	5.00	

REVENUES IN LOCAL CURRENCY

Collection in '000 BAM	2019	2020	2021	2022	2023	2024
Reprographic devices	186	92	104	116	196	138
Digital devices	-	-	814	983	1,109	1,331
Total			**918**	**1,099**	**1,305**	**1,470**

COMMENTS

Amendments to the legal framework in Bosnia and Herzegovina are currently in progress. Draft laws concerning copyright and related rights, as well as a new law on the collective management of these rights, have already been prepared. Additionally, a decision on the remuneration levels for devices is anticipated.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

CROATIA

3.856 M GDP: EUR 85.491 Bn

CONTACT INFORMATION

COUNTRY	Croatia
CURRENCY	EUR
NAME ORGANIZATION	HDS ZAMP
WEB SITE	www.zamp.hr
E-MAIL	zamp@hds.hr

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	State Intellectual Property Office
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	Yes
BENEFICIARIES	Music, AV & literary authors, journalists, phonogram producers, labels, performers
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	☑ Payment ☑ Reporting - parties must report the type and quantity of imported items. ☑ Auditing
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	Yes, up to 30%

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

General Scheme: By official procedure involving CMOs and debtors, and by negotiation

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Number of media and devices imported/sold

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

At irregular intervals

CROATIA

RATE SETTING

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

General Scheme: Not necessary but useful in negotiations

EXEMPTION AND REFUND

ARE THERE EXEMPTIONS FROM THE LEVY PAYMENT OBLIGATION?

Yes, in case of export and in case of professional use

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

No

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of CMOs to request reporting and payment from industry debtors

HOW FREQUENTLY IS PAYMENT DUE?

Monthly or quarterly

HOW DO YOU MONITOR THE MARKET?

Control of customs reports, revision of the importers' documentation and field controls in retail shops

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Customs' office shares import data

ARE EXPORTS EXEMPTED?

Yes

WHO IS CONSIDERED IMPORTER?

Legal subject responsible for the first entrance of the products into territory of Croatia.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Text: DHK, DZNAP, UNIP (latter two organizations soon to be included in the PC levy collection/distribution)
Image: DZNAP, UNIP
Music: HDS ZAMP, HUZIP, ZAPRAF
Audiovisual works: DHFA, AVIP
Videoclips: DHFA

CROATIA

DISTRIBUTION PROCESS

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Yes, max. 9 months after the closing of the fiscal year in which the levies are collected

FREQUENCY OF DISTRIBUTION

Monthly

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors,
Publishers,
Performers,
Producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Free negotiation,
Based on empirical study data

SOCIAL AND CULTURAL FUNDS

There is a maximum 30% for cultural deductions mandated by law (CRRA Art. 245,4). The funds should be used exclusively for cultural purposes in order to promote cultural creation. Funds are distributed after a tender. Depending on its results, funds can be used as a support for e.g., young/emerging artists, festivals, start-up cultural projects, etc.

LEGAL BASIS

EXCEPTION AND LEVY

Croatian Copyright and Related Rights Act of 2021
Art. 183-186; Art. 235 1) & 8); Art. 221

Article 183

1. A natural person may, without the author's consent, reproduce a copyright work from a legally published source in any medium if he does so for private use, or in the form of photocopying and other personal use if this copy is not intended for or available to the public and has no direct or indirect commercial purpose.

2. Where a copyright work may be reproduced without the author's consent in accordance with the provisions of paragraph (1) of this Article, authors of the work which, by reason of their nature, may be expected to be reproduced without their permission by recording on sound, image or text or photocopying, for private use, are entitled to an appropriate remuneraion from the sale of blank sound, image or text carriers and devices for audio and visual recording and photocopying devices.

CROATIA

LEGAL BASIS

EXCEPTION AND LEVY

3. In addition to the rights referred to in paragraph (2) of this Article, authors have the right to appropriate remuneration from a natural or legal person who performs photocopying services against payment.

4. All other duplication techniques are equated with photocopying, and other devices that provide the same effect are equated with audio and visual recording devices.

LEVY ONLY

Article 184

1. The appropriate remuneration referred to in Article 183, paragraph (2) of this Act shall be paid by manufacturers of blank sound, image or text media, manufacturers of audio and visual recording devices, manufacturers of photocopiers, and jointly with them importers of blank audio, video or text media, audio devices and visual recording, photocopiers, unless they are imports of small quantities intended for private and non-commercial use as part of personal luggage. If the listed devices and items are not manufactured in the Republic of Croatia, the fee shall be paid by the importer.

2. The obligation to pay the appropriate remuneration arises upon the first sale in the Republic of Croatia or import into the Republic of Croatia of new blank sound, image or text carriers, new audio and visual recording devices and new photocopying devices.

3. The obligation to pay the appropriate remuneration also arises when the devices and carriers referred to in paragraph (1) of this Article are brought into the Republic of Croatia from another Member State of the European Union.

4. The obligation to pay the appropriate remuneration does not arise if new blank sound, image or text carriers, new audio and visual recording devices, and new photocopying devices are taken out or exported from the Republic of Croatia.

5. The remuneration referred to in Article 183, paragraph (3) of this Act shall be paid according to the data on the number of photocopies made.

6. The authors may not waive the right to appropriate remuneration referred to in Article 183, paragraphs (2) and (3) of this Act. The remuneration must be paid collectively.

Article 240 paragraph (14)

Appropriate remuneration for the reproduction for private use referred to in Article 184 paragraphs (2) and (3) of this Act is a fair remuneration, whereby, in determining the amount of appropriate remuneration, in addition to the principle for setting the price of using the subject matter of protection referred to in paragraph (1) of this Article, the probable damage to the right holder incurred shall be taken into account when his work or subject matter of related rights is reproduced for private use without his authorization, the application of technical measures of protecting access to the use of works or subject matter of related rights and other circumstances that may affect the proper measurement of the form and amount of appropriate remuneration. The appropriate remuneration shall not unreasonably burden the business of a manufacturer and importer referred to in Article 184 paragraph (1) of this Act, so that the price of blank sound, image or text carriers, technical devices and other relevant market circumstances shall be taken into account when determining the amount of the appropriate remuneration. Before initiating the procedure of adopting the tariffs referred to in Article 235 of this Act for new blank sound, image or text carriers and technical devices, the collective management organization shall conduct research on the actual use of these empty sound, image or text carriers and technical devices for reproduction of works and subject matter of related rights, and the results of which shall be taken into account in determining the amount of appropriate remuneration. The results of such research shall be made public on the website of the collective rights organization.

CROATIA

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

Article 214

1. The management of copyright or related rights shall include the following:
   - giving authorisations for the use of copyrights and subject matter of related rights, except in cases where the authorisation is not required by the provisions of this Act;
   - charging the price for the use of the subject matter of protection, where it is used subject to payment of remuneration ex pressed as the price of usage;
   - distributing of collected income from the rights to the right holders;
   - supervising the use of the subject matter of protection;
   - initiating and carrying out protection proceedings in the case of infringement of the rights having been managed; and
   - other actions of the management of copyright and related rights.

2. The rights can be managed individually and collectively.

3. Rights revenue is income collected on behalf of a right holder from using the subject matter of protection by the right holder himself or a person authorized by him for the management of rights, including a collective management organization referred to in Article 216 paragraph (2) of this Act, regardless of whether such income derives from an exclusive right or from using subject matter of protection without authorization of a right holder but with payment of remuneration under this Act.

LEGAL DEVELOPMENTS

No major developments, PC levy regulated in the CRRA in force since 2021. Tariff update scheduled in the near future (2026).

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (HRK)
Smartphones	1.33 per unit
Tablets	1.33 per unit
External HD	0.4 per unit
SD and Micro SD memory cards	0.4 per unit
Reprographic devices *(i.e., devices for text and image copying only)*	Unreported
All Other Devices	
AV Player	1.86 per unit
Audio recorder	0.80 per unit
Video recorder	1.33 per unit
CD Recorder	2.65 per unit

CROATIA

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)
All Other Devices	
DVD Recorder	3.98 per unit
HD Recorder	5.31 per unit
PC/Laptop	0.80 per unit

REVENUES IN LOCAL CURRENCY

Collection in '000 EUR	2019	2020	2021	2022	2023	2024
Digital devices	1,332	1,204	1,151	919	988	1,066
Total	**1,332**	**1,204**	**1,151**	**919**	**988**	**1,066**

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

CZECH REPUBLIC

10.935 M **GDP: EUR 318.82 Bn**

CONTACT INFORMATION

COUNTRY	Czech Republic	
CURRENCY	CZK	
NAME ORGANIZATION	INTERGRAM	OSA
WEB SITE	www.Intergram.cz	www.osa.cz
E-MAIL	portal@intergram.cz	osa@osa.cz; international@osa.cz

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	OSA collects for the authors of musical works, lyrics and publishers. (OSA collects some remuneration also for DILIA, OOA-S, OAZA and INTERGRAM*) INTERGRAM - performers and producers DILIA - theatre, literary, and audio-visual agency** OOA-S - fine arts and architecture OAZA – sound engineers *OSA only collects remuneration for smartphones ** DILIA collects remunerations for printers separately
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Reprography: Yes
TARIFFS	Yes – tariffs are provided by the decree within Copyright Act
BENEFICIARIES	Authors of music and texts, publishers, performers and producers, authors of literary works, authors of works of art and architecture
LIABLE	The person liable to pay remuneration is: - the manufacturer of the devices for making audio or audio-visual reproductions and/or recordings, importer of such devices from third countries (hereinafter the 'importer') or consignee of such devices from member states of the European Communities (hereinafter the 'consignee'); - the manufacturer, importer or consignee of technical devices for making printed reproductions. - the manufacturer, importer or consignee of blank record carriers; - 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; - 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.

CZECH REPUBLIC

OVERVIEW

EXEMPTION	Export
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

Levies and remuneration are determined by law.

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Levies on devices and PC components are determined by their prices. Levies of blank record carriers are fixed by pieces on audio tapes, video tapes, CDs, DVDs, minidiscs or determined by capacity on electronic media such as USB flash disks, memory cards, external HDD's, SSD's.

EXEMPTION AND REFUND

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES?

There is no legal exemption for professional use.

ARE THERE ANY PRODUCTS EXEMPT FROM LEVIES?

The remuneration shall not apply to digital camcorders, digital cameras, mobile telephones and cordless telephones. Where such devices are supplied with an embedded memory medium, the remuneration shall be paid only for the capacity of the embedded medium. Refurbished products are not exempt from levies.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

The organizations themselves report to INTERGRAM imported or manufactured equipment. INTERGRAM also cooperates with the Directorate General of Customs and controls imports on the basis of their information. Some of the remunerations are also collected via OSA (authors CMO) which is authorized for collection (tablets and smart phones memory capacity only).

HOW FREQUENTLY IS PAYMENT DUE?

Twice a year – report is due half yearly by the end of upcoming month.

HOW DO YOU MONITOR THE MARKET?

Only via Directorate General of Customs

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Directorate General of Customs. ITG has also tried to commence cooperation with Czech Statistical Office.

ARE EXPORTS EXEMPTED?

The exports are exempted if are done directly by the importer.

CZECH REPUBLIC

COLLECTION PROCESS

DEFINITION OF IMPORT

Based on Section 25 (3) of the Copyright Act: Entitlement to remuneration to be paid by the persons defined in Paragraph (2) (a) to (d) in connection with the reproduction of a work for individual use shall pertain to the author at the time of the import, receiving or first sale of:

a) Device for making reproductions of fixations;
b) Device for making printed reproductions;
c) Blank record carriers

WHO IS CONSIDERED IMPORTER?

The person or company who imports the good to the territory of the Czech Republic from countries outside EEA.

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES? AND WHY?

The most discussed products are tablets, smartphones and record TVs. Some parties refuse to pay the remuneration (e.g. 3% of the price of notebook – they are only willing to pay (if at all) 3 % of the component price. It's HDD, SSD and optical disc drive and their price is less than one-tenth of notebook's one).

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

INTERGRAM and OSA distribute collections directly to individual rightsholders (performers and producers).

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

INTERGRAM: 15,4 %
OSA: 8%
Varying one-half of percentage point depends on many parameters and detailed description is beyond this questionnaire.

FREQUENCY OF DISTRIBUTION

INTERGRAM: once a year
OSA: quarterly

WHICH RIGHTSHOLDERS ARE INCLUDED?

INTERGRAM: Performers and producers
OSA: Music composers, lyricist and publishers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

General Assembly decides by way of Distribution Rules.

DISTRIBUTION KEYS

INTERGRAM DISTRIBUTION PERFORMING ARTISTS: (Accounting Rules A, II, d), (Method of distribution: A,II,1,3)

II. Unidentifiable income:

d) Incomes from the rental of copies of the recorded performances

- Method of distribution:

1. Incomes collected in the audio field shall be distributed as a share proportional to the amount of the identifiable incomes collected for the use in radios and in other fields of use of audio and incomes collected in the audio-visual field shall be distributed as a share proportional to the amount of the identifiable incomes collected for use in television broadcasting and in other fields of audio-visual use.

CZECH REPUBLIC

DISTRIBUTION PROCESS

[…]

3. Incomes from blank audio-visual carriers and technical devices for making reproductions of the audio-visual fixations, incomes from making the performances available to the public by means of a television broadcast and incomes from the rental of video carriers are distributed according to point 1; for the purpose of assessing their share of the unidentifiable incomes specified in this point, the performing artists (in particular actors, musicians, singers, dubbing directors and theatre play directors, if these theatre plays are recorded on an audio-visual fixation) may substantiate the amount of their income by submitting a Statutory Declaration.

PRODUCERS OF PHONOGRAM: private copy levies = unidentifiable income (Accounting Rules B, II, e), (Method of distribution: B, II, e)

II. Unidentifiable income:

e) incomes connected to the reproduction of fixations for personal use

- Method of distribution:

100% of the income – based on the amount of income connected to the sale of phonogram carriers distributed for the purpose of a separate sale or connected to direct retail sale to end customers in the territory of the Czech Republic, including the incomes from such a sale in an electronic form (downloading), incomes from making the phonograms available to the public by means of on-demand streaming and 1/2 of the incomes from making the phonograms available to the public through audio-visual on-demand streaming (e.g. through Youtube), based on the affirmation of the producer;

PRODUCERS OF AUDIOVISUAL FIXATION: private copy levies = unidentifiable income (Accounting Rules C), (Method of distribution: C)

C) Unidentifiable incomes:

- the incomes connected to reproduction of audio-visual fixations for personal use

- Method of distribution:

88% of collection for blank carriers video is distributed according to the affirmation of the producer

12% of collection for blank carriers video is distributed according to the identifiable income from the use of videoclips

OSA DISTRIBUTION

One scheme for both audio and video, statement from OSA Distribution Rules:

5.10. Royalties for reproductions of musical works for personal use.

The royalties collected from blank carriers and from devices used to make reproductions will be distributed proportionately among the domestic copyright holders and foreign collective managers of mechanical rights that have concluded reciprocal agreements with OSA.

The royalties will be distributed to the domestic copyright holders proportionately in accordance with their distributed incomes for the past two calendar years as follows:

(a) 90% in line with the incomes from mechanical rights (incl. mechanical rights from on-line uses)

(b) 10% in line with the incomes from public performance of live music.

The royalties will be distributed to foreign societies proportionately in accordance with the amounts received from OSA distributions for the past two years as follows:

(a) 90% in line with the amounts for mechanical rights (incl. mechanical rights from on-line uses)

(b) 10% in line with the amounts for public performance of live music.

CZECH REPUBLIC

SOCIAL AND CULTURAL FUNDS

There is no deduction from blank media levies (otherwise there is). The general assembly (based on Czech Copyright Act) decided on 0% from blank media levies.

LEGAL BASIS

EXCEPTION AND LEVY

General Scheme:

Act No. 121/2000 Coll. as amended up to Act No. 429/2022 Coll.

§30 30

1. Using a work for the **personal use of a natural person** is not regarded as "use of a work" within the meaning of this Act, provided that the purpose of such use is **not** to obtain **direct or indirect economic or commercial advantage**, unless this Act expressly provides otherwise.

2. A person **does not infringe copyright** if, for his or her **personal use**, they **make a recording, reproduction or imitation** of a work.

3. Unless this Act provides otherwise, the **use of a computer program or electronic database** is regarded as use within the meaning of this Act **even for the personal use of a natural person or the own internal use of a legal person or entrepreneur**, including making reproductions of such works for that purpose.

The same applies to:

a. making a **reproduction or imitation of an architectural work** by construction, even for personal use or for the own internal use of a legal person or entrepreneur (§ 30a), and
b. making a **recording of an audiovisual work** at its communication to the public from a recording or by its transmission (§ 20) for the personal use of a natural person.

4. A **reproduction or imitation of a work of fine art** made for the personal use of a natural person under paragraph 1 must always be **clearly marked as such**.

5. A reproduction or imitation of a work made for the personal use of a natural person under paragraph 1 **must not be used for any other purpose** than the one stated there.

6. The provisions of **§ 25, § 43 and § 44** (remuneration, technological protection, etc.) are **not affected** by paragraph 1.

Reprographic Devices:

§30 A

1. Copyright is **not infringed** by:

a) a **natural person** who, for his or her personal use,
b) a **legal person or entrepreneur** who, for its **own internal use**,
c) a person who, **on order for the personal use of a natural person**, or
d) a person who, **on order for the own internal use of a legal person or entrepreneur**,

Makes a **reprographic reproduction** of a work on paper or a similar medium by photographic technique or another method having similar effects, **except** where the reproduction concerns a **published musical score** of a **musical or musical-dramatic work**.

In the cases under points **(c)** and **(d)**, the person who makes such reproductions must **duly and in time pay the remuneration under § 25**.
2. The provisions of **§ 30(4)–(6)** (marking of fine-art copies, limitation to personal use, non-prejudice of § 25, § 43 and § 44) apply **mutatis mutandis**.

CZECH REPUBLIC

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

General Scheme:

1.The following rights are subject to **mandatory collective management**:

a) the **right to remuneration** for:

3. **making reproductions for personal use** on the basis of a sound, audiovisual or other recording by transferring its content, using a device, to a **blank medium** of such recording;

INTERGRAM: Collection is done on half-yearly bases, manufacturers and importers are obliged to fill out reports provided by INTERGRAM (can be downloaded from web page), invoicing is done based on the reports, distribution takes place once a year.

OSA: Payment is based on a half-year period. Liable parties are obliged to submit a report of manufactured or imported specified goods. OSA distributes the collected remunerations quarterly towards authors and publishers. The distribution rules are determined by general assembly.

Reprographic Devices:

2.The following rights are subject to **mandatory collective management**:

a) the **right to remuneration** for:

3. **making reproductions of a work for the personal use of a natural person, or for the own internal use of a legal person or entrepreneur**, by means of a **device for making reprographic copies on paper or a similar medium**, including where this is done **through a third person**;

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (CZK)	Capacity
Smartphones	90 90 1.50 for each 1Gb, max. CZK 90	128 Gb 256 Gb Up to 60 Gb
Tablets	90 90 90 1.50 for each 1Gb, max. CZK 90	64 Gb 128 Gb 256 Gb Up to 60 Gb
External HD	0.15 up to 1Tb for each 1Gb 150 for each piece plus 0.10 for each Gb above 1Tb	1 Tb Above 1Tb 4 Tb

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

CZECH REPUBLIC

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TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (CZK)	Capacity
SD and Micro SD memory cards	1.50 for each 1Gb, max. CZK 90 90	32 Gb 128 Gb
USB Sticks	90 90 1.50 for each 1Gb, max. CZK 90	64 Gb 256 Gb Up to 60 Gb
Set top BOX with hard drive	3 % on total declared or selling price exclusive of VAT 3 % on total declared or selling price exclusive of VAT	≤256 Gb >256 Gb
Smartwatches	1.50 for each 1Gb, max. CZK 90	

REVENUES IN LOCAL CURRENCY

Collection in '000 CZK	2019	2020	2021	2022	2023	2024
Total*	**133,103**	**130,748**	**150,222**	**138,438**	**134,981**	**140,332**

*OSA only

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

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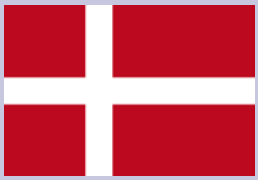

DENMARK

5.961 M GDP: EUR 396.95 Bn

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CONTACT INFORMATION

COUNTRY	Denmark
CURRENCY	DKK
NAME ORGANIZATION	Copydan KulturPlus
WEB SITE	www.copydan-kulturplus.dk

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	The Danish Ministry of Culture
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: No
TARIFFS	Yes
BENEFICIARIES	Authors, performers, producers and broadcasters
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	☑ Payment ☑ Disclosure of information on the type and quantity of levied products placed on the market on request. ☑ Reporting - parties must report the type and quantity of imported items. ☑ Reporting
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	Yes

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By law (or other legal instrument).

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

The remuneration is based on the tariffs that are set by law. According to the preparatory works, the tariffs for the storage media covered by the Danish scheme take into account any legal and compensation-eligible private copying of audio and audiovisual works that the storage media allow for and are based on an average of the sales figures for the storage media covered by the scheme sold to private consumers in 2018, 2019 and 2020. The ongoing revenue for the rights holders arises from the tariffs being imposed on the ongoing sales in the year in question. The tariffs are adjusted annually by the rate adjustment percentage, cf. the Danish Rate Adjustment Percentage Act.

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

Not relevant, rates are set by Law.

DENMARK

RATE SETTING

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

They can only be changed by law. However, it follows from the law that the Danish Minister of Culture in 2023 and every three years thereafter, must conduct an evaluation of the provisions of the scheme in order to assess the need for revision of these.

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

No

EXEMPTION AND REFUND

ARE THERE EXEMPTIONS FROM THE LEVY PAYMENT OBLIGATION?

Yes, in case of export and in case of professional use

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

Yes, professional users, including educational institutions, can be exempted. People with visual or hearing impairments are also exempted.

EXEMPTION (EX-ANTE)?

Upfront entities will have to apply to and be approved by Copydan KulturPlus through an approval scheme. Companies/professionals and educational institutions can then be exempted if the storage media are used solely for professional purposes, including commercial purposes and educational purposes. Administration and granting of exemptions are managed by the Danish Ministry of Culture.

REFUND/REIMBURSEMENT (EX-POST)?

The levy can be refunded for storage media covered by the scheme in the following cases: commercial export, professional purposes (including educational and commercial purposes), use of the storage media by people with visual or hearing disabilities, or use of the storage media for special purposes exempted from the levy by the Minister of Culture. Generally, a refund can only be made if Copydan Kultur Plus has received levies for the relevant storage media from the liable manufacturer, importer, or wholesaler. In case of doubt, it is the applicant's responsibility to document that this condition is met. All liable users can obtain refund if criteria are met.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of individual industry debtors to report only

HOW FREQUENTLY IS PAYMENT DUE?

A company liable for payment registered at Copydan Kultur Plus must report monthly or quarterly the number of storage media supplied/sold per month in the preceding month/quarter. Quarterly reporting can only be chosen by companies that report less than 50,000 DKK per quarter. If 50,000 DKK or more is reported, the company automatically switches to monthly reporting. The same time limits apply to payment of the levy to Copydan Kultur Plus.

HOW DO YOU MONITOR THE MARKET?

Copydan Kultur Plus 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.

DENMARK

COLLECTION PROCESS

ARE EXPORTS EXEMPTED?

Yes

DEFINITION OF IMPORT

No definition in the law

WHO IS CONSIDERED IMPORTER?

The importer is the person or entity who brings the media into the country.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Music:
Remuneration is distributed from Copydan Kultur Plus to rightsholder organizations within music. Individual distribution happens through the different rightsholder organizations.

Audiovisual works:
Remuneration is distributed from Copydan Kultur Plus to rightsholder organizations within audiovisual works. Individual distribution happens through the different rightsholder organizations.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Yes, annually

WHICH RIGHTSHOLDERS ARE INCLUDED?

All categories of rightsholders within music and audiovisual works

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

A distribution key has been settled between categories of rightsholders.

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Automatic/periodic distributions through CMOs

DENMARK

DISTRIBUTION PROCESS

DISTRIBUTION KEYS SUBMITTED?

Where possible, individual distribution is based on statistical surveys of private copying, which applies to both audio and video.

Audio
1/3 – Authors
1/3 - Performers
1/3 - Producers of a phonogram

Video
1/3 – Authors
1/3 - Performers
1/3 - Producers of an audio-visual work

In advance the broadcasters are given a 5% share.

SOCIAL AND CULTURAL FUNDS

There is a Social and Cultural deduction, where the amount/percentage is mandated by law.

The organizations representing the different categories of rightsholders are responsible for the allocation of funds to artist, cultural productions and social schemes. The funds can be used for grants, production support, etc.

LEGAL BASIS

EXCEPTION AND LEVY

The Consolidation Act on Copyright, No 1093 of August 20, 2023

§12 Reproduction for private use

Any person may make, or have made, individual copies of a published work for his or her private use, provided that this does not take place for commercial purposes. Such copies may not be exploited in any other way.

LEVY ONLY

Section 39

Any person who on a commercial basis manufactures or imports storage media on which sound or images can be recorded or otherwise copied shall pay remuneration to the authors of the works mentioned in subsection 2.

Subsection 2

The remuneration shall be paid for storage media that are suitable for the making of copies for private use, and only for works which have been broadcast on radio or television, which have been published on phonogram, film, videogram or the like, or which have been made available in such a way that the public has access to them at an individually chosen place and time.

DENMARK

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

Section 39

Subsection 3

The administration and supervision, including the collection, shall be carried out by a joint organisation which represents a substantial part of authors, performers and other rightholders, including producers of sound recordings etc. and photographers whose works, performances etc. are used in Denmark. The organisation shall be approved by the Minister for Culture. The Minister may require to be provided with all information on the collection, administration and distribution of the remuneration.

Subsection 4

The organisation shall lay down guidelines for the payment of the remuneration to the beneficiaries so that the distribution is, as far as possible, made in accordance with the copying which takes place. However, one third of the annual amount available for payment shall be used to support purposes which are common to authors etc. within the groups represented by the organisation, cf. subsection 3.

Subsection 5

The Minister for Culture shall lay down more detailed rules on the handling of cases in connection with the approval of the joint organisation referred to in subsection 3.

LEGAL DEVELOPMENTS

On the 5th of March 2015, the ECJ gave its judgement in C-463/12 – "Båndkopi".

The central issue in the case was whether the Danish implementation of article 5 (2) (b) of the infosoc directive was in conformity with EU Law. Nokia Denmark (now Microsoft Denmark) had argued that the Danish levy on SD-cards was in violation with EU Law. The main arguments from Nokia was:

1. Copying on SD-cards constitute minimal harm, especially because they are multifunctional, so implementing a levy is not allowed
2. The fact that there is a levy on SD-cards used in mobile phones, but not on internal memory in mobile phones, constitutes a violation of the principles of equal treatment.

Firstly, the ECJ ruled that the fact that a device can be used for private copying, is enough to justify a levy and that the actual copying or the fact that a device is multifunctional can only influence the size of the levy.

Secondly, the ECJ ruled that the courts in the member states must determine whether there are legitimate objective reasons for not subjecting internal memory in mobile phones to a levy. The ECJ did however in no way indicate that the lack of levy on internal memory of mobile phones would make the particular levy on SD-cards incompatible with EU Law. On the contrary, the ECJ hinted that a levy should also be implemented on internal memory of mobile phones.

In addition to the central issues of the case, the ECJ gave and reiterated a lot of opinions which strengthen the European remuneration schemes.

The ECJ referred the case to the Danish Court of Appeals for the final judgment, see below.

DENMARK

COURT CASES

The Danish Court of Appeals gave in its judgment in the case between Copydan Kultur Plus and Nokia Denmark (now Microsoft Denmark) on 12 October 2016.The Court of Appeals only took into consideration whether the Danish levy on SD memory cards was in violation with EU-law and found that the levy is/was compliant with EU-law, noting that the copying in question could not be characterized as minimal. Consequently, the Court of Appeals found Nokia liable for the payment of levy for SD cards in the period 2004-2014.Nokia appealed the case to the Danish Supreme Court. The Supreme Court gave its judgment on 4 September 2017. However, the ruling of the Court of Appeals was final in respect to Nokia's/Microsoft's liability, as the Supreme Court only gave its judgment regarding interests. Thus, Nokia/Microsoft was found liable for the payment of levy for SD cards in the period 2004-2014.The ECJ indicated in C-463/12 (Båndkopi) that the Danish implementation of article 5(2(b) of the Infosoc Directive was not in conformity with EU-law since the Danish remuneration system at the time only had levy on detachable media and not on integrated media (non-detachable media).

EXPLANATION ON DEVELOPMENTS

The change in consumers purchase of blank media (with levy) to equipment with private copying components that cannot be detached (no levy), is the primary explanation to the decrease in revenues.

However, the guaranteed DVD-compensation limits the decrease somewhat.

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (DKK)	Capacity
Smartphones	49.42	
Tablets	49.42	
SD and Micro SD memory cards	In the Danish scheme a 'hard disk' means a non-multifunctional, non-internal storage medium whose primary function is the storage of files, including USB sticks, memory cards, external hard disks, internal hard disks (hard disks for installation, for example, in a desktop computer), network hard disks (external hard disks capable of network connection) and similar devices.	
	4.39	128 Gb
	17.57	(Other Capacities)
All Other Devices *Laptop/Desktop*	49.42	

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

DENMARK

7/7

REVENUES IN LOCAL CURRENCY

Collection in '000 DKK	2019	2020	2021	2022	2023	2024
Total	**26,757**	**26,125**	**49,029**	**97,257**	**87,453**	**84,323**

Percentage distributed	2019	2020	2021	2022	2023	2024
Musical - Audiovisual Works	100%	100%	100%	100%	100%	100%

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

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ESTONIA

1.371 M GDP: EUR 39.51 Bn

CONTACT INFORMATION

COUNTRY	Estonia
CURRENCY	EUR
NAME ORGANIZATION	EAU
WEB SITE	www.eau.org
E-MAIL	eau@eau.org

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Ministry of Justice and Digital Affairs
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes (storage media and storage device since 2021) Cloud Storage: No NPVR: No Reprography: No
BENEFICIARIES	Author, performer, producer of phonograms and producer of the first fixation of a film
LIABLE PARTIES FOR PAYMENT	Importers, manufacturers, sellers and persons importing the said devices or media into Estonia from another Member State. The seller shall pay remuneration in case the manufacturer, importer, or the person who brings storage media and recording devices from another Member State into Estonia has not paid remuneration.
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	Yes; not exceeding 10%

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

The Government of the Estonian Republic establishes by a regulation the procedure for payment of remuneration to compensate for private use of audio-visual works and sound recordings of works, the list of storage media and recording devices and the rates of remuneration to be collected on them.
The list of storage media and recording devices and the rates of remuneration to be collected on them shall be established on the basis of the following conditions:

1) the remuneration collected must ensure the authors, performers, producers of phonograms and producers of the first fixations of films a fair compensation for the damage that they are estimated to suffer due to the restriction of their economic rights, and taking into account the number of copies made for private use;
2) the entry of a storage medium or a recording device in the list and the rate of remuneration collected on it must be pro rata to the extent of the damage, incurred presumably due to the fact that the respective type of storage media or recording devices are used for the reproduction of works or sound recordings of works;

ESTONIA

RATE SETTING

3) the recording devices on which the remuneration shall be collected, include but are not limited to laptops, tablets or personal computers and smartphones, and the storage media on which the remuneration shall be connected include but are not limited to external hard drives, USB flash drives and memory cards;
4) the rate of remuneration collected on recording devices shall be 3 – 8 euros and the rate of remuneration collected on storage media shall be 0.03 – 4 euros.

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Tariff rates are set by political decision.

EXEMPTION AND REFUND

ARE THERE ANY PRODUCTS EXEMPT FROM LEVIES?

The remuneration shall be repaid on the storage media and recording devices:

1) which, due to their technical characteristics, do not enable the reproduction of audio-visual works and sound recordings of works as single copies;
2) exported or transported from Estonia into the Community customs territory;
3) which are used in the course of the activities specified in the articles of association of the undertaking;
4) which are used in an activity in the case of which the result of the main activity of the person who makes the recording requires the manufacture of an audio or video recording as an intermediate stage;
5) which are intended for recording activities in educational and research institutions for the purpose of teaching or scientific research;
6) used for making recordings for the benefit of disabled persons.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Any manufacturer, importer and person who brings recording devices and storage media from the customs territory of the European Community into Estonia is obliged to inform the organization appointed to collect remuneration four times a year of the quantity of recording devices and storage media produced in Estonia or imported or brought into Estonia from another Member State during the previous three months. Unless otherwise agreed, the information for the relevant quarter must be submitted no later than the 20th day of the month following the quarter.

HOW DO YOU MONITOR THE MARKET?

The collector of remuneration has the right to obtain necessary information from customs authorities and statistical organisations and manufacturing and importing organisations and sellers. The information submitted is confidential and the collector of remuneration has the right to use and disclose the information only in connection with the collection of remuneration. The collector of remuneration is appointed by the Ministry of Justice.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Yes

ARE EXPORTS EXEMPTED?

Exports are exempted by law. The remuneration shall be repaid on the storage media and recording devices exported or transported from Estonia into the Community customs territory.

ESTONIA

COLLECTION PROCESS

WHO IS CONSIDERED IMPORTER?

An importer is a person who brings the recording devices and storage media, specified in the Government of the Republic regulation, to Estonia for the first time from outside the European Union, as well as from another European Union country.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Every year, the Minister of Justice and Digital Affairs appoints a committee, which is proportionally composed of collective management organisations representing authors, performers, phonogram producers and producers of the first fixations of films, and a representative of the Ministry of Justice and Digital Affairs. The remuneration is distributed between the CMOs based on the distribution plan. Each CMO is responsible for distributing the remuneration to rights holders based on their own distribution rules.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

The Minister of Justice and Digital Affairs appoints a collective management organisation (so far it has been the Estonian Author´s Society) as the collector of remuneration and the organisation has the right to deduct expenses related to the collection and payment of remuneration from the remuneration collected. The law does not stipulate any maximum amount (percentage) of administrative costs, but the committee responsible for developing the distribution plan is responsible approving the expenses of the collector.

FREQUENCY OF DISTRIBUTION

Yearly

WHICH RIGHTSHOLDERS ARE INCLUDED?

The remuneration shall be distributed among authors, performers, producers of phonograms and producers of the first fixations of films according to the use of works and phonograms.

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Distribution schemes are set and approved by the Ministry of Justice and Digital Affairs not later than three months after the end of the budgetary year, having previously obtained the approval of the representatives (collective managing organisations) of authors, performers, producers of phonograms and producers of the first fixations of films.

DISTRIBUTION KEYS SUBMITTED?

Distribution scheme, audio: 33.33 % - authors; 33.34% - performers; 33.33% - producers
Distribution scheme, video: 58,81% - authors; 21,39% - performers; 19,79% - producers

SOCIAL AND CULTURAL

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

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

ESTONIA

LEGAL BASIS

EXCEPTION AND LEVY

Article 26 of the Copyright Act of 1992 (the wording of Article 26 is valid from January 2021)

(1) Audiovisual works or sound recordings of such works may be reproduced for the private use (scientific research, studies, etc.) of the user without the authorisation of the author. The author as well as the performer of the work, the producer of phonograms and the producer of the first fixation of a film have the right to obtain equitable remuneration for such use of the work or phonogram (§ 27).

(2) Subsection 1 of this section does not apply to legal persons.

LEVY ONLY

Article 27 of the Copyright Act of 1992 (the wording of Article 27 is valid from January 2021) + Government Regulation No. 14 of 2006 (amended on 2021) on the establishment of Collection and Payment of Remuneration for Private Use of Audiovisual Works and Sound Recordings of Works

(1) The manufacturers, importers, sellers of storage media and recording devices and persons who bring storage media and recording devices from another EU Member State into Estonia, shall pay the remuneration specified in § 26 of this Act.

(2) The seller shall pay remuneration in case the manufacturer, importer, or the person who brings storage media and recording devices from another EU Member State into Estonia has not paid remuneration.

(3) The seller has the right to reclaim remuneration from the manufacturer, importer and the person who brings storage media and recording devices from another EU Member State into Estonia.

(4) Natural persons shall pay remuneration in case the importing of storage media and recording devices or bringing of the storage media and recording devices from another EU Member State into Estonia is carried out for commercial purposes.

(5) The remuneration shall be repaid on the storage media and recording devices:

1) which, due to their technical characteristics, do not enable the reproduction of audiovisual works and sound recordings of works as single copies;
2) exported or transported from Estonia into another EU Member State;
3) which are used in the course of the activities specified in the articles of association of the undertaking;
4) which are used in an activity in the case of which the result of the main activity of the person who makes the recording requires the manufacture of an audio or video recording as an intermediate stage;
5) which are intended for recording activities in educational and research institutions for the purpose of teaching or scientific research;
6) used for making recordings for the benefit of disabled persons.

(6) For repayment of the remuneration, the purchaser of the storage medium or recording device may submit, in the case specified in subsection 5 of this section, a written application to the collector of remuneration within three years after purchasing the storage medium or recording device. The collector of remuneration shall repay the remuneration within six months after submission of the respective application.

(7) The Government of the Republic shall establish by a regulation the procedure for payment of remuneration to compensate for private use of audio-visual works and sound recordings of works, the list of storage media and recording devices and the rates of remuneration to be collected on them.

ESTONIA

LEGAL BASIS

LEVY ONLY

(7.1) The list of storage media and recording devices and the rates of remuneration to be collected on them as specified in subsection 7 of this section shall be established on the basis of the following conditions:

1) the remuneration collected must ensure the authors, performers, producers of phonograms and producers of the first fixations of films a fair compensation for the damage that they are estimated to suffer due to the restriction of their economic rights in the case specified in subsection 1 of § 26 of this Act, and taking into account the number of copies made for private use;
2) the entry of a storage medium or a recording device in the list and the rate of remuneration collected on it must be pro rata to the extent of the damage referred to in clause 1 of this subsection, incurred presumably due to the fact that the respective type of storage media or recording devices are used for the reproduction of works or sound recordings of works;
3) the recording devices on which the remuneration shall be collected, include but are not limited to laptops, tablets or personal computers and smartphones, and the storage media on which the remuneration shall be connected include but are not limited to external hard drives, USB flash drives and memory cards;
4) the rate of remuneration collected on recording devices shall be 3 – 8 euros and the rate of remuneration collected on storage media shall be 0.03 – 4 euros.

(7.2) The use of storage media and recording devices for the reproduction of audiovisual works or sound recordings of works and a change in the volume of making copies for private use shall be evaluated by the Government of the Republic at least once in every four years.

COLLECTION AND DISTRIBUTION SYSTEMS

Article 27 of the Copyright Act of 1992 (the wording of Article 27 is valid from January 2021) + Government Regulation No. 14 of 2006 (amended on 2021) on the establishment of Collection and Payment of Remuneration for Private Use of Audiovisual Works and Sound Recordings of Works

(8) Remuneration shall be distributed among authors, performers, producers of phonograms and producers of the first fixations of films according to the use of works and phonograms, and other conditions provided for in this Act.

(9) Remuneration shall be distributed on the basis of a distribution plan for the preparation of which the minister in charge of the policy sector shall appoint a committee every year, which is proportionally comprised of collective management organisations representing the authors, performers, producers of phonograms and producers of the first fixations of films, and a representative of the Ministry of Justice and Digital Affairs.

(10) Remuneration may also be paid to organisations for the development of music and film culture and in order to finance educational and research programmes or for use thereof for other similar purposes, but only in an amount not exceeding 10 per cent of the remuneration subject to distribution.

(11) The minister in charge of the policy sector shall approve the distribution plan not later than three months after the end of the budgetary year, having previously obtained the approval of the representatives of authors, performers, producers of phonograms and producers of the first fixations of films.

(12) The minister in charge of the policy sector may appoint a collective management organisation to collect remuneration. The minister in charge of the policy sector may appoint also any other legal person in private law, a governmental authority or a state authority administered by a governmental authority to collect remuneration, if no collective management organisation is capable of collecting remuneration or does not agree to collect remuneration.

ESTONIA

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

(12.1) The collector of remuneration has the right to deduct expenses related to the collection and payment of remuneration from the remuneration collected. The collector of remuneration shall submit a written report to the Ministry of Justice and Digital Affairs on the collection and payment of remuneration and the deductions made, by 31 January every year.

(13) The person appointed as the collector of remuneration has the right to obtain necessary information from customs authorities and statistical organisations and manufacturing and importing organisations and sellers. The information submitted is confidential and the collector of remuneration has the right to use and disclose the information only in connection with the collection of remuneration.

(14) The Government of the Republic shall establish by a regulation the procedure for applying for the remuneration specified in subsection 10 of this section.

(15) If the person specified in subsection 1 of this section is in delay with payment of remuneration, such person shall pay delay interest on the outstanding remuneration to the collector of remuneration at the rate provided for in the second sentence of subsection 1 of § 113 of the Law of Obligations Act starting from the day when the obligation to pay remuneration becomes collectible until the day when it is duly performed, but not over 50 per cent of the outstanding remuneration. If the person specified in subsection 1 of this section does not provide the collector of remuneration with data on the storage media and recording devices produced or brought to Estonia by such person, which are necessary for determining the amount of remuneration, delay interest shall be calculated on the outstanding remuneration from the day following the day when the respective data should have been submitted.

(16) Administrative supervision over performance of the obligations of the collector of remuneration provided for in this section shall be exercised by the Ministry of Justice and Digital Affairs.

LEGAL DEVELOPMENTS

In April 2021, a new regulation came into force that established a collection system on modern devices such as smartphones or external hard drives.

ESTONIA

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)
Smartphones Smartphone, mobile phone with MP3/MP4 functionalities	3.50
Tablets Laptop or tablet computer; desktop computer	3.50
External HD	3.50
SD and Micro SD memory cards	0.50
USB Sticks	0.50
All Other Devices	
TV set with a recording function	4.00
Sound or video recorder recording to an optical data carrier, except devices integrated with a computer	3.00
MP3/MP4 player with internal memory	3.00
Optical data carrier – empty	0.03

REVENUES IN LOCAL CURRENCY

Collection in '000 EUR	2019	2020	2021	2022	2023	2024
Digital devices	0.998	0.612	897.5	1,873.8	1,555.7	1,542.8
Total	**0.998**	**0.612**	**897.5**	**1,873.8**	**1,555.7**	**1,542.8**

Percentage distributed	2019	2020	2021	2022	2023	2024
Musical - Audiovisual Works	100%	100%	100%	100%	100%	100%

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

FINLAND

5.604 M **GDP: EUR 276.172 Bn**

CONTACT INFORMATION

COUNTRY	Finland
CURRENCY	EUR
NAME ORGANIZATION	Ministry of Education and Culture
WEB SITE	www.okm.fi/en/
E-MAIL	registry.okm@gov.fi

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	State funded system The Finnish Government sets the level and the scope of the remuneration in the annual state budget. The Ministry of Education and Culture is responsible for the conducting of surveys on private copying to determine the level considered as fair compensation to authors. An advisory board (consultative committee) has been established to assist the Ministry of Education and Culture. The Ministry of Education and Culture annually allocates the private copying compensation from the state budget to various entities associated with rightsholders, including CMOs for distribution to their represented rightsholders.
EXCEPTION	Yes
LEVY	Equipment: No Media: No Cloud Storage: No NPVR: No Reprography: No
TARIFFS	No, state funded
BENEFICIARIES	Composers, publishers, phonogram producers and performers, film producers, film authors and other authors.
LIABLE PARTIES FOR PAYMENT	No levy system in Finland. Compensation comes from state budget.
SOCIAL AND CULTURAL DEDUCTIONS	No

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

The share of compensation from the audio share to be distributed as direct compensation to individual rightsholders is distributed by CMOs to their represented rightsholders as follows:

- Gramex: phonogram producers and performers
- Teosto: music authors and publishers
- Kopiosto: other authors

FINLAND

DISTRIBUTION PROCESS

The share of compensation from the video share to be distributed as direct compensation to individual rightsholders is distributed by CMOs to their represented rightsholders as follows:

- Gramex: phonogram producers and performers
- Teosto: music authors and authors
- Audiovisual Producers Finland (APFI): film producers
- Kopiosto: other authors

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

Section 22.2 of the Finnish Act on the Collective Management of Copyright (implementing the EU CRM Directive) stipulates that the deductions by a CMO shall be reasonable in relation to the services provided and shall not exceed its justified and documented administration costs.

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

No

FREQUENCY OF DISTRIBUTION

Yearly

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors
Performers
Producers
Audiovisual works

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Based on empirical study data
Fixed by administrative authority/commission
Fixed by CMO

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Automatic/periodic distributions through CMOs

DISTRIBUTION KEYS SUBMITTED?

Distribution scheme (audio share) in accordance with the decisions of the Ministry of Education and Culture: 65 % - individual rightsholders via CMOs:

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

Distribution scheme (video share) in accordance with the decisions of the Ministry of Education and Culture: 50 % - individual rightsholders via CMOs:

69.4 % - Kopiosto (other authors)
11.4 % - Teosto (music authors)
11 % - Audiovisual Producers Finland (APFI) (film producers)
8.2 % - Gramex (phonogram producers and performers)

FINLAND

SOCIAL AND CULTURAL FUNDS

Yes; Section 26b.1 of the Finnish Copyright Act stipulates that "the compensation shall be paid as direct compensation to the authors and **as indirect compensation to the authors for their common purposes**, in accordance with a plan for the use of the funds annually approved by the Ministry of Education and Culture". In accordance with the decisions of the Ministry of Education and Culture, the share of the video share to be distributed as indirect compensation to the authors for their common purposes has been 50 % and the share of the audio share has been 35 %.

LEGAL BASIS

EXCEPTION AND LEVY

Copyright Act (404/1961), as amended up to Act 1216/2023

Section 12

(1) Anyone may make single copies for his private use of a work that has been made public. The copies thus made may not be used for other purposes.

(2) It is also permitted to have copies made by a third party for the private use of the party ordering the copies.

(3) The provisions of subsection 2 shall not apply to the reproduction of musical works, cinematographic works, utility articles or sculptures, or the reproduction of any other work of art by artistic means.

(4) The provisions of this section shall not apply to a computer- readable computer program, to the making of a computer- readable copy of a computer- readable database, or to the construction of a work of architecture.

Section 26a of the Copyright Act (404/1961), as amended up to 2015

(1) The State shall pay compensation for the reproduction of a work for private use to its authors. The compensation is paid from an allocation included in the State budget, and the amount of compensation shall be settled at a level which can be considered a fair compensation for the reproduction of a work for private use.

(2) The reproduction of a work for private use and its frequency is surveyed in order to size the right amount for the compensation. The survey is conducted by an independent research institution approved by the Ministry of Education and Culture.

(3) The Government shall appoint an advisory board by proposal of the Ministry of Education and Culture, the aim of which is to act as an advisory expert body on the survey on reproduction for private use. The term of office of the advisory board is four years.

COLLECTION AND DISTRIBUTION SYSTEMS

Section 26b of the Copyright Act (404/1961), as amended up to 2015

(1) The compensation shall be paid as direct compensation to the authors and as indirect compensation to the authors for their common purposes, in accordance with a plan for the use of the funds annually approved by the Ministry of Education and Culture.

(2) The compensation shall be paid to the authors through an organization representing numerous authors of works used in Finland. When paying the direct compensation, the organization shall treat all authors equally, whether they are members of the organization.

(3) The Ministry of Education and Culture shall monitor that the application and redistribution of the compensation follows the plan for the use of funds. The Ministry shall have the right to obtain from the organization any information necessary for the purposes of supervision.

FINLAND

LEGAL DEVELOPMENTS

In 2024, the Finnish Government decided due to budgetary constraints that as of 2025 the amount of private copying compensation in the annual state budget shall be halved from the previous level of 11 Mil. Euro to 5.5 Mil. Euro. The decision is based solely on budgetary reasons and without a corresponding decrease in the level of private copying based on surveys.

The Ministry of Education and Culture appointed a rapporteur to examine the potential reformation of the private copying compensation system in Finland. The rapporteur stated that Finland's budget-based system is contrary to EU law and must be amended without delay.

The rapporteur's report was published in February 2025 (link), wherein the rapporteur proposed that the budget-based system be replaced with a storage device-based compensation scheme, wherein device-specific tariffs would be determined through private copying surveys. The rapporteur proposed that compensation would be collected primarily from the manufacturers and importers of storage devices and secondarily from distributors. Devices subject to the compensation would include digital storage devices and smart phones, computers, tablets, USB memory sticks, online file storage services and certain further devices.

As an alternative, the rapporteur proposed that the compensation could be based on a tariff set to broadband and mobile broadband internet subscriptions. The rapporteur further proposed that literary works, visual art works, photographic works and the broadcasts of television and radio broadcasters should be included in the scope of compensated works. No legislative action regarding a potential reform has yet been taken.

EXPLANATION ON DEVELOPMENTS

In Finland, compensation for private copying is paid from an appropriation reserved in the budget. Budget funding has been in use since 2015. According to the Copyright Act, the amount of the appropriation entered in the State budget must be such that it can be considered a fair compensation for the reproduction of works for private use. For 2025 the total of 5.5 million Euro from the state budget is allocated for the compensation for private copying (for 2024 the total was 11 million Euro).

REVENUES IN LOCAL CURRENCY

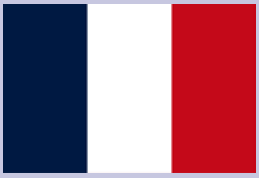
Collection in '000 Euro	2019	2020	2021	2022	2023	2024
Total	**11,000**	**11,000**	**11,000**	**11,000**	**11,000**	**11,000**

Notes:

In the decisions of the Ministry of Education and Culture, the annual total amount of private copying compensation (11 Mil. Euro) has been divided into two shares (a video share and an audio share) corresponding with the results of conducted private copying surveys. For example, in 2024, the video share amounted to 79,5 % and the audio share to 20,5 % of the total amount. In accordance with the Ministry's decisions, 50 % from the video share and 65 % of the audio share shall be distributed as direct compensation to individual rightsholders (through CMOs), whereas 50 % of the video share and 35 % of the audio share shall be distributed indirectly for the collective purposes of authors.

In 2025, the only change in Finland's system is the halving of the appropriation, with the total compensation for 2025 being € 5.5 million. The distribution ratio remains unchanged. The organisation previously listed as Tuotos (film produces) is now known as Audiovisual Producers Finland -- APFI ry.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS



FRANCE

68.437 M **GDP: EUR 2,922.24 Bn**

CONTACT INFORMATION

COUNTRY	France
CURRENCY	EUR
NAME ORGANIZATION	COPIE FRANCE
WEB SITE	www.copiefrance.fr
E-MAIL	contact@copiefrance.fr

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	CMOs that are beneficiaries of private copying remuneration, with a 5 year official approval from Ministry of culture.
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: Not directly NPVR: Yes Reprography: Yes, through a separate CMO
BENEFICIARIES	Authors, performers and producers
LIABLE PARTIES FOR PAYMENT	Those liable for remuneration are the manufacturer, the importer, or the person who makes intra-Community acquisitions of recording media that can be used for the reproduction, for private use, of works fixed on phonograms or videograms, when these media are put into circulation in France. The legal mechanism for remuneration is part of a purely declaratory system under which manufacturers or importers, who are responsible for paying remuneration for private copying, are required to: • declare to Copie France, on the 20th of each month for the previous month, their stock releases (type of media, recording capacity, quantity of media), so that the amount of remuneration can be settled, • pay the amount of remuneration they owe to Copie France on the expressly stipulated and organized due dates.
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	Yes, 25%

FRANCE

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

The types of media, the remuneration rates, and the payment terms are set by the Private Copying Commission, an administrative joint body chaired by a State representative and composed of 24 members: 12 representatives of collective management organizations and 12 representatives of debtors (manufacturers and importers, as well as consumer representatives).

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

This commission uses statistical and usage studies designed to measure and analyze private copying practices, which are entrusted to independent organizations. Article L.311-4 of the IP Code stipulates that "the amount of remuneration shall depend on the type of medium and the duration or recording capacity it allows (...)" and specifies that "This amount shall also depend on the use of each type of medium (...). This use shall be assessed on the basis of an investigation."

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

At irregular intervals, depends on the agenda of the commission responsible for setting tariffs, bearing in mind that this agenda is established by a vote among all members of the commission (CMO, manufacturers, representatives of consumer organizations).

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

Yes

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY?

Yes

IF YES, ARE REFURBISHERS OBLIGED TO PAY THE LEVY?

Yes, except for media that have been refurbished by a private legal entity that meets the conditions on the social and solidarity economy conditions as set by Law No. 2014-856 of July 31, 2014.

DO LEVIES FOR REFURBISHED DEVICES DIFFER FROM LEVIES FROM NEW DEVICES?

Yes

EXEMPTION AND REFUND

ARE THERE EXEMPTIONS FOR THE LEVY PAYMENT OBLIGATION?

Yes, in case of export and in case of professional use.

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

Yes, apart from professional users or exporters, specific categories of users are exempted such as videograms and phonograms producers and those who work for them (press plants, mastering studios...), radio and TV stations, blind and deaf non-profit organizations.

ARE THERE ANY PRODUCTS EXEMPT FROM LEVIES?

Some family of devices have been excluded from the scope of the remuneration (musical photo frames, SD Card used for cameras…) or not examined by the commission (mp3 wearables, smartwatches…).

FRANCE

EXEMPTION AND REFUND

EXEMPTION (EX-ANTE)?

Professionals are entitled to a refund of the private copying levy or may request an **exemption agreement**. Any end user who purchases recording media may apply for either option if they can prove that they are the **final user** and that the media are used **exclusively for professional purposes**, making private copying presumptions impossible For end users who regularly buy **large quantities** of recording media in France, a **renewable annual exemption agreement** can be signed with **Copie France**, allowing them to purchase media **without paying the levy** Suppliers who bought media **with the levy included** but later resell them to **exempt beneficiaries** may request a **refund** from Copie France for the amounts already paid.

REFUND/REIMBURSEMENT (EX-POST)?

One-off refund for occasional purchases or small quantities of media, the law allows end purchasers to request a refund from COPIE FRANCE for the remuneration paid at the time of purchase. The conditions and supporting documents required to obtain a refund are defined by a ministerial decree of December 20, 2011. (identification datas + proof of internal professional use of the carriers + invoice showing the amount of PCR charge by the seller.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of individual industry debtors to report and pay

HOW FREQUENTLY IS PAYMENT DUE?

Monthly

HOW DO YOU MONITOR THE MARKET?

Buying figures from specialised institutes (IDC, GFK, FOx...), monitoring the market through enquiries, invoices analysis.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Informal cooperation

ARE EXPORTS EXEMPTED?

Yes

DEFINITION OF IMPORT

All products coming from other countries including European countries

WHO IS CONSIDERED IMPORTER?

Since the Opus case and a supreme French Court decision, foreign-based websites selling new or refurbished devices online to French consumers must report all deliveries to the French market. Regularisation process and court cases are ongoing.

FRANCE

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Text: SOFIA, SACD, SCAM, ADAGP, SAIF, SEAM, CFC
Image: SACD, SCAM, ADAGP, AVA, SAIF, SOFIA, CFC, SCPP,SPPF, PROCIREP
Music: SACEM, SACD, SCAM, ADAMI, SPEDIDAM, SCPP, SPPF
Audiovisual works: PROCIREP, SACEM, SACD, SCAM, SAJE, ADAMI,SPEDIDAM
Videoclips: SCPP, SPPF
Audiobooks: SCPP, SPPF

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Yes, the law stipulates that remuneration must be distributed among the rights holders whose works have been reproduced no later than the end of the ninth month of the financial year following that in which the sum was collected.

FREQUENCY OF DISTRIBUTION

Monthly

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors (publishers in their capacity as assignees of copyright)
Performers
Producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Free negotiation
Based on empirical study data

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Automatic/periodic distributions through CMOs

DISTRIBUTION KEYS SUBMITTED?

No, not known by COPIE FRANCE
The distribution criteria's are up to each CMO

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

Yes, but there is no fixed percentage set. It has to be taken from within the legal 25% share.

HOW IS THE AMOUNT/PERCENTAGE OF SOCIAL AND/OR CULTURAL DEDUCTIONS DETERMINED?

By law

WHAT IS THE PURPOSE OF THE DEDUCTION AND WHO CAN BENEFIT?

The law specifies that CMOs shall use up to 25% of the sums derived from private copying remuneration for measures to support the creation and dissemination of live performances, the development of artistic and cultural education, and training for artists.

FRANCE

LEGAL BASIS

EXCEPTION AND LEVY

Intellectual Property Code (consolidated version up to March 2025)

Articles L 311-1 up to L 311-8 of the Intellectual Property Code

1 - The scope of the exception, in accordance with the Padawan decision, has been redrafted in last December (IPC, L 311-8 II- law dated Dec. 20th 2011, enacted on Dec 23rd 2011): the obligation to pay remuneration shall not apply to carriers or devices acquired for professional use and which are not presumed to be used for private purposes;

2 - All kinds of carriers not included in the scope of the decisions of the administrative commission in charge of setting the tariffs and specific decisions excluding DAT, C10 & C15 Tapes, 8 cm DVD.

COLLECTION AND DISTRIBUTION SYSTEMS

Article L311-6 of the French Intellectual Property code (as amended up to 2014)

LEGAL DEVELOPMENTS

The court rulings obtained by COPIE FRANCE against entities (license fee payers or professional organizations) contesting the private copying mechanism in France have given rise to a wide range of litigation. Where necessary, these disputes have made it possible to make adjustments to the private copying remuneration system. However, and above all, these decisions have gradually and unequivocally legitimized the private copying mechanism in principle and reinforced the legitimacy of COPIE FRANCE's role as the body responsible for collecting and distributing the sums due. The French courts have, on the whole, confirmed that this system complies with French and European law and constitutional requirements. Similarly, the decisions handed down by the Court of Justice of the European Union (CJEU) in various cases relating to private copying have played an essential role: whenever a point of interpretation of EU law has been raised, they have clarified and consolidated the validity of the private copying mechanism under European law. Thus, whether in domestic (French) litigation or in European decisions, these disputes have ultimately reinforced and framed the private copying system, while confirming its legitimacy and highlighting the relevance of COPIE FRANCE's actions.

COURT CASES

Cour de Cassation, N° RG 21/14158 (26 April 2024):
Handydortmund sold multimedia phones that have already been used, which Copie France considered to be 'refurbished' devices and are subject, like new devices, to 'private copy remuneration.' Court ruled that Handydortmund was liable and ordered it to provide reporting on all refurbished mobile phones sold in France between June 2021-2023, and to pay Copie France for the amounts owed.

Cour de Cassation, N° RG 21/15709 (26 April 2024):
Wefix sold multimedia phones that have been previously used, known as 'refurbished', which company Copie France believed are subject, like new devices, to 'private copy remuneration'. Court ruled that the law specifies that the levy for refurbished media must be 'specific and differentiated', and that the repair and resale of a product does not constitute a “new release”. Copie France was ordered to repay the amounts collected.

Cour de Cassation, N° RG 22/15277 (7 March 2025):
Animus Corporation sold used multimedia phones, which Copie France considered to be "refurbished" media and therefore subject to the "private copying levy" like new media. Buyers in France could purchase phones sold by Animus on online marketplaces. The court held that Animus is liable for the levy on all its sales of refurbished phones to France since July 1, 2021, and ordered it to report on the sales of mobile devices and to pay Copie France for the amounts owed.

FRANCE

EXPLANATION ON DEVELOPMENTS

The court rulings obtained by COPIE FRANCE against entities (license fee payers or professional organizations) contesting the private copying mechanism in France have given rise to a wide range of litigation. Where necessary, these disputes have made it possible to make adjustments to the private copying remuneration system. However, and above all, these decisions have gradually and unequivocally legitimized the private copying mechanism in principle and reinforced the legitimacy of COPIE FRANCE's role as the body responsible for collecting and distributing the sums due.

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TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)	Capacity
Smartphones	14.00 14.00	128 Gb 256 Gb
Tablets	12.00 14.00 14.00	64 Gb 128 Gb 256 Gb
NPVR subscription capacities (based on the assumption that one hour of recorded program is about 1 Gb of data)	0.4167 (in EUR / month and per subscriber or per user) 0.2100 (in EUR / month and per subscriber or per user)	100H/100 Gb 8H/ 8 Gb
SD and Micro SD memory cards	2.00 3.40 4.60	32 Gb 128 Gb > 256 Gb
USB Sticks	2.80 4.60	64 Gb >= 256 Gb
Set top BOX with hard drive	From 10.00 up to 22.50 From 25.50 up to 30.00	≤256 Gb >256 Gb
Other: *refurbished or remanufactured goods*	Smartphones : 7.20 Tablets : 7.80	64 Gb 64 Gb
All Other Devices *NPVR services*	0.262 0.7500	up to 20 Gb (in EUR / month and per subscriber or per user) up to 500 Gb (inEUR / month and per subscriber or per user)

FRANCE

REVENUES IN LOCAL CURRENCY

Collection in '000 Euro	2019	2020	2021	2022	2023	2024
Digital devices	272,825	295,582	295,674	305,082	220,344	246,348
Total	**272,825**	**295,582**	**295,674**	**305,082**	**220,344**	**246,348**

Percentage distributed	2019	2020	2021	2022	2023	2024
Text	8%	8%	8%	9%	9%	8%
Image	8%	7%	7%	8%	7%	7%
Musical - Audio	53%	53%	53%	55%	54%	55%
Audiovisual - Video	31%	32%	31%	28%	30%	30%

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

GERMANY

84.716 M **GDP: EUR 4,305.26 Bn**

CONTACT INFORMATION

COUNTRY	Germany	
CURRENCY	EUR	
NAME ORGANIZATION	Zentralstelle für private Überspielungsrechte (ZPÜ)	Verwertungsgesellschaft WORT (VG WORT)
WEB SITE	www.zpue.de	www.vgwort.de
E-MAIL	info@zpue.de	vgw@vgwort.de

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	The supervisory authority is the German Patent and Trade Mark Office in Munich. ZPÜ is an association of nine German collecting societies in the legal form of a civil law partnership, whereby GEMA is the managing shareholder. As such it is a "dependent management entity" acc. to Section 3 Act on the Management of Copyright and Related Rights by Collecting Societies (VGG). VG WORT is a collective management organisation, collecting i.e. levies for reprographic copies of text and images.
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes (including operator levy)
TARIFFS	Yes, you can find all devices and storage media under: https://www.zpue.de/produkte-tarife.html; included are mobile phones, PCs, tablets, smartwatches, consumer electronics (e.g. mp3-players), external burners, external hard drives, USB-sticks and memory cards, old blank media, CD/DVD-blanks, Infotainment systems with built-in hard disk installed in motor vehicles. For reprographic devices (printer, scanner etc.), please s. Website VG WORT: https://www.vgwort.de/fileadmin/vg-wort/pdf/dokumente/Tarif-Uebersicht/Geraete-Tarif_Dez_2008.pdf
BENEFICIARIES	Shareholders of ZPÜ are: GEMA, GÜFA, GVL, GWFF, TWF, VFF, VGF, VG BILD-KUNST and VG WORT. In the field of reprography VG WORT collects levies for VG Bild-Kunst as well.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

GERMANY

2/11

OVERVIEW

LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	Manufacturers, importers, traders, operators (such as copy shops, libraries, educational and research Institutes, retailers) ☑ Payment ☑ Disclosure of information on the type and quantity of levied products placed on the market on request. ☑ Reporting - parties must report the type and quantity of imported items. ☑ Auditing
EXEMPTION	Export and professional use.
SOCIAL AND CULTURAL DEDUCTIONS	No, there are no deductions from ZPÜ itself and no social and cultural funds, as revenue is distributed in full to the (affiliated) shareholders (collecting societies) after deduction of own costs. VG WORT and VG Bild-Kunst as CMOs make deductions for social and cultural purposes as for all sorts of remunerations.

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

Tariffs are set through negotiations between rightsholder societies (ZPÜ, VG WORT and VG Bild-Kunst) and industry organisations representing manufacturers and importers. Remuneration is first based on the actual use of products for private copying and reprography, as determined by empirical studies, and must remain proportionate to the average price of each product category.

The State is not directly involved in tariff setting, although CMOs and ZPÜ are supervised by the German Patent and Trademark Office and the courts, which ensure compliance with the law. If negotiations fail, parties may initiate study or umbrella-agreement procedures. In all cases, tariffs can be ultimately subject to judicial review.

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Actual number of copies made (empirical study). It is possible to negotiate tariffs with industry societies in form of umbrella agreements (see Section 40 and 38 VGG) or to apply to the Arbitration Board to have an independent empirical study carried out to determine the use relevant (see Section 93 VGG).

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

At irregular intervals; As long as tariffs seem still to be adequate and umbrella agreements are valid, there is no need to new negotiations.

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

No, there is an obligation to conduct a study procedure before the arbitration board (see § 93 VGG) if there was no success in negotiating an umbrella agreement.

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY?

Yes, as far as the practise of ZPÜ is concerned.

GERMANY

REFURBISHED DEVICES

DO LEVIES FOR REFURBISHED DEVICES DIFFER FROM LEVIES FROM NEW DEVICES?

Yes, the tariffs are based on tariffs for new devices and storage media, but only due if no or less remuneration on the new product was paid in Germany or other country.

In principle, ZPÜ asserts claims for used devices in accordance with a special matrix. Remuneration for used devices and storage media is only claimed if no private copying remuneration has already been paid for these products, if the products are not older than 36/38 months (depending on the brand) and if they are not permanently defective at the time of purchase.

The ZPÜ differentiates as follows with regard to the assertion of remuneration claims for used devices: Where was the device purchased? Abroad or in Germany? How do the purchasing channels describe themselves: Was it purchased from a private individual or a commercial end user/authority?

Bought in Germany from private end user: No remuneration but disclosure is owed.

Bought in Germany from a commercial end user/authority:

When reselling to private customers in Germany: Disclosure and remuneration are owed in the amount of the difference between the remuneration for private products and the remuneration for business products (so-called top-up tariff).
When reselling to commercial end users/authorities in Germany: No remuneration but disclosure is owed.

Bought in Germany after a lessor has leased or rented the device for a certain period (less than 36 or 38 months) to one or more legal or natural persons (based in Germany) and has taken back the product as a used device:

When reselling to private customers in Germany: Disclosure and remuneration is owed in the amount of the difference between the remuneration for private products and the remuneration for business products (so-called top-up tariff).
When reselling to commercial end users/authorities in Germany: No remuneration but disclosure is owed.

Bought from abroad from private end user:

From non-EU countries without a PCL there is an obligation to report and pay remuneration.
From EU country with PCL there is no obligation to pay but to report.

Bought from abroad from commercial end users/authorities: Private copying remuneration and disclosure is owed.

EXEMPTION AND REFUND

EXEMPTION IN CASE OF EXPORT?

Yes

ARE THERE EXEMPTIONS FROM THE LEVY PAYMENT OBLIGATION IN CASE OF PROFESSIONAL USE?

Yes (excluding reprography)

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

No, but ZPÜ treats public authorities like commercial end users.

ARE THERE ANY PRODUCTS EXEMPT FROM LEVIES?

Yes. Germany has a business-use exemption system and export exemptions, available either ex-ante (before invoicing) or ex-post (refund after payment). These exemptions are built into ZPÜ's collective agreements and tariffs.

GERMANY

EXEMPTION AND REFUND

EXEMPTION (EX-ANTE)?

For tablets, mobiles, and PCs, importers/manufacturers can apply reduced tariffs for business sales by using IDC market quotas, which indicate the percentage of each brand sold to business users. They may also provide their own proof of business use instead of relying on IDC. Importers/manufacturers may exclude exported products if they provide proof of export (invoices, product identification, auditor confirmation). Export deductions apply only to the entity that pays the levy.

REFUND/REIMBURSEMENT (EX-POST)?

End users or traders may request a refund by proving the products are used professionally and providing purchase invoices. Refunds for exported goods may be claimed only by the importer/manufacturer who originally paid the levy, not by traders who exported the goods later. This is different in the field of reprography.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of individual industry debtors to report and pay.

HOW FREQUENTLY IS PAYMENT DUE?

Members of umbrella agreements have to pay bi-annually; in general we collect remuneration from "outsiders" annually.

HOW DO YOU MONITOR THE MARKET?

There are several approaches used to monitor the market:

- Trader Information: ZPÜ receives reports from traders that include details on sources of supply, such as from whom and how many products were purchased. This helps ZPÜ to identify new remuneration debtors.

- Auditor Certificates: ZPÜ obtains audit certificates from the auditors of the umbrella agreement members to confirm the accuracy of reported import and manufacturer unit figures.

- Market Data: ZPÜ purchases market data from major research institutes, such as IDC, to assess the market coverage rate and identify emerging technology trends.

- Independent Research: ZPÜ continuously conducts its own research to identify new remuneration debtors and monitor market developments.

Same also applies for reprography.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

No

ARE EXPORTS EXEMPTED?

Yes

GERMANY

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Text: VG Wort
Image: VG Bild-Kunst
Music: GEMA, GVL
Audiovisual works: GEMA, GÜFA, GVL, GWFF, VFF, VG Bild-Kunst, VG Wort, VGF, TWF
Videoclips: no distribution category but for "music video": GEMA, GVL
Audiobooks (& Audio-Podcasts): VG Wort, GEMA, GVL

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

No

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors
Publisher
Performers
Producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Free negotiation
Based on empirical study data
Subject to approval/review by state authority

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Rightsholders can assign their claims of private copying remuneration to the respective CMO. Once this has been done, the rightsholders receive a share of the ZPÜ distributions via the respective CMOs. Each collecting society, however, distributes the proportional revenue received from ZPÜ to the beneficiaries pursuant to its individual distribution scheme (ZPÜ distribution scheme does not determinate the distribution scheme in the CMOs to the concrete rightsholders).

DISTRIBUTION KEYS SUBMITTED?

Yes

SOCIAL AND CULTURAL FUNDS

No, there are no social and/or cultural deductions.

GERMANY

LEGAL BASIS

EXCEPTION AND LEVY

Act on Copyright and Related Rights, amended up to act of Octobre 23, 2024

Section 53[1]

(1) It is permitted for a natural person to make single copies of a work for private use on any medium, insofar as they neither directly nor indirectly serve commercial purposes, as long as no obviously unlawfully produced model or a model which has been unlawfully made available to the public is used for the copying. A person authorised to make copies may also have another person make such copies if no payment is received therefor, or if it involves copies on paper or a similar medium which have been affected by the use of any kind of photomechanical technique or by some other process having a similar effect.

[…]

(4) The reproduction of:

a) graphic recordings of musical works,
b) a book or periodical, in the case of an essentially complete reproduction,

insofar as this does not occur by means of manual transcription, is only ever permitted with the rightholder's consent or under the conditions of subsection (2) sentence 1 no. 2 or for personal use if the work has been out of print for at least two years.

LEVY ONLY

General Scheme:

Section 54

(1) Where, given the nature of a work, it is probable that the work will be reproduced and such reproduction is permitted under section 53 (1) or (2) or sections 60a to 60f, the author of the work is entitled to payment of equitable remuneration from the manufacturer of appliances and of storage mediums, where the type of appliance or storage medium is used alone or together with other appliances, storage mediums or accessories, to make such reproductions.

(2) The claim under subsection (1) does not apply where, in the light of the circumstances, it can be expected that the appliances or storage mediums will not be used for reproductions within the territory to which this Act applies.

Section 54a

(1) The amount of remuneration is determined by the extent to which the appliances and storage mediums are actually used as types for reproductions pursuant to section 53 (1) or (2) or sections 60a to 60f. Account is thereby to be taken of the extent to which technical protection measures pursuant to section 95a are used in respect of the works concerned.

(2) Remuneration in respect of appliances is to be set so as to be altogether equitable also in relation to the obligation to pay remuneration for storage mediums contained in such appliances or for other appliances or storage mediums functioning together with them.

(3) In determining the amount of remuneration, account is to be taken of such properties of the appliances and storage mediums as are relevant to use, in particular the capacity of appliances, the storage capacity of storage mediums and the extent to which they are rewritable.

(4) The remuneration may not have an inequitable effect on the manufacturers of appliances and storage mediums; its relationship to the price level of the appliance or of the storage medium must be economically equitable.

[1] Official English version of the German Copyright Act (Urheberrechtsgesetz, UrhG) available under: https://www.gesetze-im-internet.de/englisch_urhg/englisch_urhg.html#p0416

GERMANY

LEGAL BASIS

LEVY ONLY

Reprographic Devices:

Section 54c (operator levy)

(1) Where appliances of the type referred to in section 54 para. 1, being appliances for reproduction by means of photocopying or by some other process having a similar effect, are operated in schools, universities, vocational training institutions or other educational and further education institutions, research institutions, public libraries, in non-commercial archives or institutions in the field of cinematic or audio heritage, or in non-commercial publicly accessible museums or in institutions which keep appliances available for making photocopies in return for payment, the author is also entitled to payment of equitable remuneration from the operator of the appliance.

(2) The total amount of remuneration owed by the operator is calculated in accordance with the type and extent of the use of the appliance which is likely in the circumstances, in particular its location and the usual use thereof.

TRADER'S OR IMPORTER'S OBLIGATION TO PAY REMUNERATION

Section 54b

(1) Together with the manufacturer, any person who, on a commercial scale, imports or re-imports the appliances or storage mediums into the territory to which this Act applies or any person who trades in them bears liability as joint and several debtor.

(2) The importer is the person who introduces the appliances or storage mediums, or who causes them to be introduced, into the territory to which this Act applies. Where importation is based on a contract with a non-resident, the importer is only the contracting party residing in the territory to which this Act applies as long as that importer is acting on a commercial scale. Any person acting only as forwarding agent, carrier or in a similar function in the introduction of the goods is not deemed to be the importer. Any person who introduces items from third countries into a free zone or a free warehouse pursuant to Article 166 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1) is deemed to be the importer only if the items are used in that area or if they are released for free circulation for customs purposes.

(3) There is no obligation incumbent on the trader to pay remuneration

1. if a person obliged to pay the remuneration from whom the trader obtains the appliances or storage mediums is bound by an inclusive contract concerning the remuneration or
2. if the trader notifies the receiving office pursuant to section 54h (3) in writing of the nature and quantity of the appliances and storage mediums received and of the source of supply by 10 January and 10 July for each preceding six months of a calendar year.

EDUCATIONAL SECTOR; TEACHING IN EDUCATIONAL ESTABLISHMENTS

Section 60a

(1) For the purpose of illustration in teaching in educational establishments, up to 15 per cent of a published work may be reproduced, distributed, made available to the public or otherwise communicated to the public on a non-commercial basis

1. for teachers and participants at the respective event,
2. for teachers and examiners at the same educational establishment and
3. for third persons insofar as this serves the presentation of lessons or lectures or the results of tuition or training or learning outcomes at the educational establishment.

[…]

GERMANY

LEGAL BASIS

EDUCATIONAL SECTOR; TEACHING IN EDUCATIONAL ESTABLISHMENTS

Section 60h

(1) Authors are entitled to equitable remuneration for uses in accordance with this Subdivision. Reproductions are to be remunerated in accordance with sections 54 to 54c.

[…]

s. also Sections 60c, 60e, 60f German Copyright Act

COLLECTION AND DISTRIBUTION SYSTEMS

Section 54h

(1) Claims under sections 54 to 54c, section 54e (2) and sections 54f and 54g may be asserted only through a collecting society.

(2) Each rightholder is entitled to an equitable share of the remuneration paid pursuant to sections 54 to 54c. Insofar as works are protected by technical measures pursuant to section 95a, they are not taken into account when income is distributed.

(3) As regards the reports to be made pursuant to section 54b (3) and section 54e, the collecting societies are to designate to the German Patent and Trade Mark Office a joint receiving office. The German Patent and Trade Mark Office announces the joint receiving office in the Federal Gazette.

(4) The German Patent and Trade Mark Office may publish specimen reports for the reports to be made pursuant to section 54b (3) no. 2 and section 54e in the Federal Gazette. If specimen reports are published, their use is compulsory.

(5) The collecting societies and the receiving office may only use the information received pursuant to section 54b (3) no. 2 and sections 54e and 54f for the purpose of asserting claims under subsection (1).

LEGAL DEVELOPMENTS

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES?

There is no specific group of debtors who deny PCL in general, but there are several debtors and industry associations who attack the system especially for the levy for refurbished products, levy for cloud-storage, levy for Infotainment systems with built-in hard disk installed in motor vehicles, and reduced business remuneration (more than 0€) for devices bought for business purposes as a commercial end user.

GERMANY

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LEGAL DEVELOPMENTS

Supreme Court, Decision from 21.07.2011, I ZR 28/11 - Drucker und Plotter II - final

- Supreme Court, judgement from 30.11.2011, I ZR 59/10 - PC als Bild- und Tonaufzeichnungsgerät - final
- Supreme Court, judgement from 20.03.2013, I ZR 84/11 - Gesamtvertrag Hochschul-Intranet – final
- Supreme Court, judgement from 03.07.2014, I ZR 28/11 - Drucker und Plotter III - final
- Supreme Court, judgement from 19.11.2015, I ZR 151/13 - Gesamtvertrag Unterhaltungselektronik - final
- Supreme Court, judgement from vom 21.07.2016, I ZR 212/14 - Gesamtvertrag Speichermedien - final
- Supreme Court, judgement from 16.03.2017, I ZR 35/15 - externe Festplatten - final
- Supreme Court, judgement from vom 16.03.2017, I ZR 36/15 - Gesamtvertrag PC - final
- Supreme Court, judgement from 16.03.2017, I ZR 106/15 - Speicherkarten - final
- Supreme Court, judgement from 16.03.2017, I ZR 152/15 - externe DVD-Brenner - final
- Supreme Court, judgement from 18.05.2017, I ZR 266/15 - USB-Sticks und Speicherkarten - final
- Supreme Court, judgement from 10.09.2020, I ZR 66/19 - Gesamtvertragsnachlass - final
- Supreme Court, judgement from 01.04.2021, I ZR 45/20 - Gesamtvertrag USB-Sticks und Speicherkarten - final
- Supreme Court, Decision from 04.11.2021, I ZR 84/20 - Bestätigung Indizwirkung - final
- Supreme Court, Decision from 04.11.2021, I ZR 138/20 - Bestätigung Indizwirkung - final
- Supreme Court, judgement from 25.07.2024, I ZR 27/23 - Gesamtvertrag Kabelweitersendung - final
- Confirmed indicative effect for the appropriateness of negotiated tariffs - final (several court cases from Higher Regional and Supreme Court, see above Decision from 04.11.2021, I ZR 84/20 and Decision from 04.11.2021, I ZR 138/20)
- No payment and information obligation for marketplaces (judgement from German Supreme Court from November 10, 2022, I ZR 10/22 – "rakuten.de") - final
- No payment and information obligation for cloud-providers (Higher Regional Court, judgement from February 02, 2024 – 38 Sch 60/22 WGe and German Supreme Court, Decision from October 10, 2024, I ZR 23/24) - pending several Constitutional complaints
- No participation of PCL of broadcasters (ECJ, C 260/22) – pending for Regional Court Erfurt
- Referring question to ECJ - Case C-822/24, bluechip: Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 3 December 2024 – bluechip Computer Aktiengesellschaft v Zentralstelle für private Überspielungsrechte (ZPÜ)

EXPLANATION ON DEVELOPMENTS

Established case law and the currently established system with existing umbrella agreements lead to reliable income for creatives and financial planning security for those liable for remuneration. The case law on the indicative effect of collective agreements proves the correctness of the German legislator's assumption that the negotiation solution set out in the law is suitable for achieving appropriate and generalizable results. After initial difficulties, the current system has proven itself in practice. In the last ten years, it has been possible to conclude umbrella agreements with the industry organizations for all "classic" and newer physical devices and storage media. On this basis, it has also been possible to establish valid tariffs for so-called outsiders. In 2020, the BGH also ruled for the first time that the remuneration rates agreed in umbrella agreements provide an indication of the appropriateness of the collectively agreed remuneration with effect for outsiders (so-called "indicative effect of umbrella agreements"). As a result, the ZPÜ was able to reach an out-of-court settlement with a large number of remuneration debtors and declare the associated proceedings closed. Particularly since this establishment in case law, the new instrument of the provision of guarantees (Section 107 VGG) created by the legislator has also been increasingly successful, as companies can be obliged to provide guarantees at a collectively agreed level. At the same time, Supreme Court rulings will make it increasingly difficult for unlawful companies to operate business models that end in insolvency after years without payment of remuneration, as has repeatedly been the case in recent years.

GERMANY

10/11

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)
Smartphones	6.25
Tablets	8.75 (private tariff) / 3.50 (business tariff)
External HD	4.44 € (private tariff) / 1,33 (business tariff)
SD and Micro SD memory cards	0.30
USB Sticks	0.30
Set top BOX with hard drive	12.00
Printers	
Inkjet	5.00
Laser	12.50
Multifunctionals	
Inkjet	15.00 difference according to printing speed of device
Laser	25.00 (up to 14 copies/min.) 50.00 (15-39 copies/min.) 87.50 (40 or more copies/min.)
Fax machines	
Inkjet	5.00
Laser	10.00
Scanners (stand-alone)	12.50
Other: refurbished or remanufactured goods	Based on tariffs for new devices and storage media, but only due if no remuneration on the new product was paid in Germany or other country (see Matrix)
All Other Devices	
External burner	2.50
PCs	13.1875 (private tariff) / 4.00 (business tariff)
Small portable PC's	10.625
PC Workstations	4.00
Smartwatches	1.50
DVD Recorder	12.00

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

GERMANY

11/11

REVENUES IN LOCAL CURRENCY

Collection in '000 EUR	2019	2020	2021	2022	2023	2024
Reprographic devices	60,551	45,175	53,384	47,850	49,322	49,142
Digital devices	233,751	246,948	255,413	226,757	186,820	186,374
Total	**294,302**	**292,123**	**309,247**	**274,607**	**236,142**	**235,516**

Percentage distributed*	2019	2020	2021	2022	2023	2024
Text-Image Works	12.9%	13.4%	13.9%	12.4%	16.1%	14%
Musical - Audiovisual Works	87.1%	86.6%	86.1%	87.6%	83.9%	86%

*for Digital Devices only

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

GREECE

10.401 M **GDP: EUR 237.573 Bn**

CONTACT INFORMATION

COUNTRY	Greece	
CURRENCY	EUR	
NAME ORGANIZATION	AUTODIA	OSDEL
WEB SITE	www.autodia.gr	www.osdel.gr
E-MAIL	autodia@autodia.gr	info @osdel.gr

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Greek ministry of Culture
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	Yes
BENEFICIARIES	Authors, performers, publishers and producers
LIABLE	Importers (including intra-EU) and manufacturers of relevant technical equipment and media
EXEMPTION	Export and professional use
SOCIAL AND CULTURAL DEDUCTIONS	Yes

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By Law (or other legal instrument) 2016-555, Art. 106

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Estimation of the harm caused

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

Not relevant, rates are set by Law

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY ?

Yes, same tariffs apply

GREECE

EXEMPTION AND REFUND

ARE THERE EXEMPTIONS FROM THE LEVY PAYMENT OBLIGATION?

Yes, in case of export and in case of professional use.
Refund upon presentation of evidence by the end user that the device is clearly intended for non-private use.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of individual industry debtors to report and pay

HOW FREQUENTLY IS PAYMENT DUE?

Quarterly

HOW DO YOU MONITOR THE MARKET?

As per Art. 18 para. 6 : "Any collective management organization is entitled, at its own cost, to request the investigation of the accuracy of the content of any solemn declaration carried out by a sworn auditor appointed by IPO. In the case where the person required to submit such a declaration refuses to accept the aforementioned audit, its performance shall be ordered by the Single – Member Court of First Instance, in accordance with the above specified. Each audit statement issued shall be submitted to IPO, and any collective management organization is entitled to receive a copy of such a statement. A new inspection requested by other collective management organization in respect of the same solemn declaration shall be excluded."

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

No collaboration established yet

WHO IS CONSIDERED IMPORTER?

Art. 18 par. 10 : ".....The reasonable remuneration due to rightsholders shall be paid by the first buyer established within the Greek territory who obtains the products from foreign companies which have been authorized in accordance with paragraph 4a of the Customs Code, with the purpose of making them available within the territory of the state, ..."

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Text: OSDEL, XENOPHON
Image: FIVOS, OSDEETE, OSDEL
Music: CMOs for authors: AUTODIA and EDEM
Performers' CMOs: ERATO & APOLLON
Producers: GRAMMO

Audiovisual works:
Authors: ISOCRATIS, ATHINA-SADA
Producers: TV RIGHTS, IRIDANOS, DIAS, ERMEIAS
Performers: DIONYSOS

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS DETERMINED BY LAW?

Yes, the maximum percentage for all kinds of revenue sources is set by Law on average at 20% on the gross revenues of the CMO's.

GREECE

DISTRIBUTION PROCESS

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Yes, the maximum time limit no later than nine (9) months from the end of the financial year in which the revenue was collected for all kinds of revenue sources.

FREQUENCY OF DISTRIBUTION

Yearly

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, Publishers, Performers, Producers, (Music publishers receive PC remuneration via the distributions of music authors' CMOs)

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Free negotiation, based on empirical study data and, in case of disagreement, mediation/arbitration by the Greek Copyright Office. Final decision by the Greek Courts

HOW DO RIGHTSHOLDERS CLAIM THEIR DISTRIBUTION?

Automatic/periodic distributions through CMOs

DISTRIBUTION KEYS SUBMITTED?

On the basis of our CMO's Distribution Rules

SOCIAL AND CULTURAL FUNDS

Yes, CMOs may impose a social and/or cultural deduction, with the amount or percentage determined by the CMO, and the funds used for cultural, educational, and social purposes.

LEGAL BASIS

EXCEPTION AND LEVY

Greek Law 2121/1993 on copyright and related rights, Art. 18.

LEVY

2% on digital devices (mobile phones, PCs and tablets), 4% on reprographic devices and photocopying paper and 6% on digital media (usb sticks, memory cards, etc.)

GREECE

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

Collections are coordinated by three CMOs, with OSDEL collecting in the case of the reprographic remuneration. Collection and distribution of shares are determined by decision of the Greek Copyright Office in the amount of 2% for PCs, Tablets and Smartphones, 4% on reprographic devices and photocopying paper, and 6% on digital storage media and devices. Relevant CMOs have agreed provisionally on the distribution of shares.

LEGAL DEVELOPMENTS

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES? AND WHY?

There are some debtors that are denying to report and/or pay levies on devices and media that are sold either to businesses or entities belonging to the wide public sector.

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff
Smartphones	2% on import/manufacture sales price
Tablets	2% on import/manufacture sales price
External HD	6% on import/manufacture sales price
SD and Micro SD memory cards	6% on import/manufacture sales price
USB Sticks	6% on import/manufacture sales price
Reprographic devices (i.e., devices for text and image copying only) (multifunctional printers, scanners, photocopying paper)	4% on import/manufacture sales price
Other: refurbished or remanufactured goods	Same as new
All Other Devices	
CD/DVD burner	6% on import/manufacture sales price
PC	2% on import/manufacture sales price

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

GREECE

REVENUES IN LOCAL CURRENCY

Collection in '000 EUR	2019	2020	2021	2022	2023	2024
Reprographic devices	1,680	2,005	2,011	2,082	2,339	1,939
Digital devices	9,765	11,871	13,171	15,025	14,405	16,067
Total	**11,445**	**13,876**	**15,182**	**17,107**	**16,744**	**18,006**

Distribution* 2019-2023	Text & Image	Audiovisual
Smartphones - Tablets - Computers	21.29%	78.71%
Storage media	21.29%	78.71%

Distribution* 2024	Text & Image	Audiovisual
Smartphones - Computers	22%	78%
Tablets	20%	80%
Storage media	11%	89%

*Distribution of Digital devices collection.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

HUNGARY

9.585 M GDP: EUR 206.17 Bn

CONTACT INFORMATION

COUNTRY	Hungary	
CURRENCY	HUF	
NAME ORGANIZATION	ARTISJUS	MASZRE
WEB SITE	www.artisjus.hu	https://maszre.hu
E-MAIL	isponga@artisjus.com	info@maszre.hu

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Registration by the responsible public administration governmental office The Hungarian Intellectual Property Office to collect and distribute private copy remuneration (blank carrier levy)
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
BENEFICIARIES	Authors, including film producers, as derivative holders of copyright, performers, phonogram producers, film producers.
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	☑ Payment ☒ Disclosure - must provide information on the type and quantity of levied products placed on the market on request ☒ Reporting - must report the type and quantity of imported items
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	Yes, 25%

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By official procedure involving CMOs and debtors

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Actual number of copies made (empirical study); estimation of the harm caused; survey of private copy habits

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

Regularly, annual

HUNGARY

RATE SETTING

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

Yes

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY?

Yes

DO LEVIES FOR REFURBISHED DEVICES DIFFER FROM LEVIES FROM NEW DEVICES?

Yes, we apply a discount under the applicable Tariff Chart considering the shorter expected lifespan of the device.

EXEMPTION AND REFUND

ARE THERE EXEMPTIONS TO LEVY PAYMENT OBLIGATION?

Yes, in case of export and in case of professional use. In such cases, a user statement, invoice, and/or customs statement is required.

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

No

ARE THERE ANY PRODUCTS EXEMPT FROM LEVIES?

No

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of individual industry debtors to report and pay;
Duty of Custom authorities to administer levy reporting;
Duty of CMOs to request reporting and payment from industry debtors.

HOW FREQUENTLY IS PAYMENT DUE?

mobile phones – monthly
other – within a deadline provided for in the Copyright Act

HOW DO YOU MONITOR THE MARKET?

We control the payment of the levies through the entire domestic distribution chain:

1. the payer shall apply a hologram stickers on each products, the stickers are provided after the payment, and they have distinctive serial numbers
2. In case of devices that have a unique IMEI number (mobile phones, tablets) the payer shall register the IMEI nr., through our online registration service
3. We practice regular audits in shops, markets, shopping malls, warehouses.
4. Artisjus regularly buys market data on the domestic turnover of key products to compare those with importer/distributor reports.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

On-site inspections, data sharing

HUNGARY

COLLECTION PROCESS

ARE EXPORTS EXEMPTED?

Yes

DEFINITION OF IMPORT

There is no definition for import in the law, however according to the CA importers are persons importing media free of customs duties or the persons placing them into domestic commercial circulation for the first time, as well as persons required by law to pay the customs duty for importing.

WHO IS CONSIDERED IMPORTER?

The importer is the entity that puts the goods into circulation in Hungarian territory first, no matter whether the product comes from the internal market or outside the EU.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Text: Filmjus (script), Artisjus (literature)
Image: Hungart
Music: Artisjus
Audiovisual works: Filmjus

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Yes, not by law but by the Distribution Rules, by June 30 of the calendar year, following the year of the collection.

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors
Publishers
Performers
Producers
Others (visual artists, film visual creators, film producers, writers, script writers)

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Fixed by legislator.
Free negotiation, if the CMO-s wish to depart from the statutory proportions, free negotiation on the types of audio and video carriers

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Automatic/periodic distributions through CMOs.

DISTRIBUTION KEYS SUBMITTED?

Yes

HUNGARY

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

No

HOW IS THE AMOUNT/PERCENTAGE OF SOCIAL AND/OR CULTURAL DEDUCTIONS DETERMINED?

Mandated by law, which provides for 25% to be transferred to the National Cultural Fund. Above this mandatory deduction the CMO is free – complying with requirements of law – to make deductions for social or other purposes that serve the interest of the authors' community.

WHAT IS THE PURPOSE OF THE DEDUCTION AND WHO CAN BENEFIT?

Any rightsholder represented by Artisjus directly may be a beneficiary who is - under circumstances provided for in the relevant statute of the Foundation being in charge of the social support - to apply for /receive social support.

LEGAL BASIS

EXCEPTION AND LEVY

Copyright Act LXXVI of 1999 on Copyright (consolidated text of September 1, 2024)

§35

(1). A natural person may make a copy of a work for private purposes, provided that it does not serve, even indirectly, the purpose of gaining or increasing income and provided the person had lawful access to the work used. This provision does not apply to architectural works, technical structures, software and databases operated by computer equipment, nor to the fixation of a public performance of a work onto an image or sound carrier. Printed music (sheet music) may not be reproduced by reprography for private purposes, nor in the cases regulated in points (b)–(d) of paragraph (4).

LEVY ONLY

§20

(1). In view of private copying of works, performances, films and sound recordings that (i) are broadcast in radio/TV programmes, (ii) are included in programmes relayed to the public by cable, or (iii) are marketed on image or sound carriers, the authors of the works, the performers of the performances, and the producers of films and sound recordings are entitled to appropriate remuneration.

§20

(2). The remuneration is set by the collective management organisation for literary and musical works, in agreement with the other right-holder CMOs concerned. When setting the tariff, regard must be had to whether effective technological measures (see §95) are applied to the works/performances/films/sound recordings concerned. The duty to pay the remuneration lies with the manufacturer of blank image/sound carriers, or, for carriers manufactured abroad, the person liable for customs duties; in the absence of such liability, jointly the person who brings the carrier into the country and the person who first places it on the domestic market. Payment must be made to the literary/musical CMO within eight days of the completion of customs clearance, or, absent customs, within eight days from placing on the market or, if earlier, from the start of stocking for the purpose of placing on the market. All domestic distributors of the given carrier are jointly and severally liable for payment.

HUNGARY

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

§20

(4) After deduction of costs, the net proceeds from sound carriers shall—unless the CMOs concerned agree otherwise by 31 March each year—be distributed as follows: 45% to composers and writers, 30% to performers, and 25% to phonogram producers.

§20

(5) After deduction of costs, the net proceeds from image carriers shall—unless the CMOs concerned agree otherwise by 31 March—be distributed as follows: 13% to film producers, 22% to the audiovisual creators of film works (moving-image creators), 4% to visual artists / industrial designers / authors of photographic works, 16% to screenwriters, 20% to composers and lyricists, and 25% to performers.

§20

(6) The literary/musical CMO shall transfer the shares due to right-holders it does not represent for distribution purposes—including authors/right-holders of other repertoires, performers and producers of phonograms—to their respective CMOs.

§20

(7) Right-holders may enforce their claims only through their CMOs, and may waive their remuneration only with effect after the distribution date and only up to the amount allocated to them.

COURT CASES

Former cases helped Artisjus to collect private copy remuneration from importers of mobile phones. (Kúria Pfv. 21.272/2012/7., Fővárosi Ítélőtábla Pf. 22.075/2011/4).

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (HUF)	Capacity
Smartphones	3,964 4,553 5,917	128 Gb 256 Gb above 512 Gb
Tablets	2,629 3,944 4,601 5,260	64 Gb 128 Gb 256 Gb above 512 Gb
External HD	2,598 3,189 5,316	1 Tb Up to 2 Tb Above 2 Tb
SD and Micro SD memory cards	172 2,842 3,930	Up to 1 Gb Up to 64 Gb Above 128 Gb

HUNGARY

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (HUF)	Capacity
Set top BOX with hard drive	5,751 7,397	≤256 Gb >256 Gb
Reprographic devices (i.e., devices for text and image copying only)	No information provided	

REVENUES IN LOCAL CURRENCY

Collection in '000 HUF	2019	2020	2021	2022	2023	2024
Reprographic devices	6,151	6,169	5,875	6,711	6,543	6,924
Digital devices	9,786,526	7,653,797	7,783,027	7,441,624	7,580,888	9,454,394
Total	**9,792,677**	**7,659,966**	**7,788,902**	**7,448,336**	**7,587,432**	**9,461,319**

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

D

ICELAND

0.384 M GDP: EUR 30.93 Bn

CONTACT INFORMATION

COUNTRY	Iceland
CURRENCY	ISK
NAME ORGANIZATION	IHM
WEB SITE	www.ihm.is
E-MAIL	ihm@ihm.is

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Ministry of Education and Culture
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes
TARIFFS	The government has implemented a system of pseudo-levies and tariffs, whereas the annual remuneration is paid and funded by the state, but the amount is decided considering the numbers of imported equipment and media with storage capacity.
BENEFICIARIES	All copyright holders
EXEMPTION	Yes
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

The amount is determined by the number of imported equipment and media. Each type of imported equipment or media is assigned a monetary value, and the annual numbers for import of that equipment and media is then used to determine the amount of the annual remuneration.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

No collection – remuneration is paid as decided by the government.

HOW FREQUENTLY IS PAYMENT DUE?

Annually

ICELAND

COLLECTION PROCESS

HOW DO YOU MONITOR THE MARKET?

Every three years, a government committee shall evaluate what constitutes fair compensation and give its recommendation to the Minister of Education and Culture. The evaluation shall be based on information from customs on import of certain media with storage capacity.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Yes, but only as stipulated above in getting information to evaluate fair compensation

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

IHM (Innheimtumiðstöð rétthafa)

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

FREQUENCY OF DISTRIBUTION

Annually

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, performers and producers of: audio and audio-visual works, written news, visual works

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Current scheme is determined by recent years distribution, which were determined by the number of imported blank tapes, blank CDs and blank DVDs.

SOCIAL AND CULTURAL FUNDS

There is no Social and/or Cultural deduction.

LEGAL BASIS

EXCEPTION AND LEVY

Icelandic Copyright Act No. 73/1972, (L. 73/1972, amended up to L. 102/2023)

Article 11

(1). Individuals are permitted to make copies of a work that has been made public for their private use only, provided that this is not done for financial purposes. Such copies may not be used for any other purpose.

ICELAND

3/4

LEGAL BASIS

LEVY

Article 11

(3). Authors of works which have been broadcast, have been made accessible to the public in such a way that each and every person can obtain access to the work at the place, at the time and with the equipment of his or her own choosing, or have been issued on a sound recording or a visual recording, shall be entitled to fair compensation for the reproduction of the works for private use.
The compensation shall be paid annually to associations of copyright societies by means of a budgetary allocation pursuant to an authorisation in the State Budget.
The payment shall constitute fair compensation for the reproduction for private use of the aforementioned works and shall be calculated on the basis of the following percentage figures of the customs value of tapes, discs, records or other such storage media, in whatever form, on which sound or images may be recorded in analogue or digital form, as well as of equipment intended for such recording for private use, which are imported into or manufactured in this country in the preceding year. (See Tariff table, below).

COLLECTION AND DISTRIBUTION SYSTEMS

Art. 11(4) of the Icelandic Copyright Act no. 73/1972

The compensation referred to in the third paragraph is to be paid to collective management organizations which have been recognized by the Minister as competent to exercise such rights on behalf of authors. The organizations shall distribute the compensation to their member associations, after deducting a reasonable administration fee. The recognition of collective management organizations pursuant to this Article is governed by the procedural rules of Article 26a, fourth paragraph, and any rules issued on the basis thereof. The resolution committee set up pursuant to Article 57 shall, at intervals no longer than three years, review the basis used to calculate fair compensation pursuant to the third paragraph, and submit any proposals for changes to the Minister.

COMMENTS/DEVELOPMENTS

In 2017, the government decided to increase funding substantially to IHM for the sole purpose of remunerating copyright holders for private copying.

TARIFFS IN LOCAL CURRENCY

Storage Media	% of Customs Value
unrecorded magnetic tapes	2%
unrecorded video tapes	2%
compact discs	2%
semiconductor memory (USB memory sticks)	1%
controller cards (SD cards)	4%
laptop computers, tablet computers and desktop computers	1%
external data storage units (portable drives, enclosures with built-in hard disk) up to 12 TB	4%
sound-recording devices	1%

ICELAND

TARIFFS IN LOCAL CURRENCY

Storage Media	% of Customs Value
video-recording devices	1%
receiving apparatus for radio broadcasts with sound-recording equipment	2%
smartphones	1%
other telephones for cellular networks or other wireless networks	1%

REVENUES IN LOCAL CURRENCY

'000 ISK	2015	2016	2017	2018
Government funding	7,900	4,956	182,084	233,300
Total revenues	**7,900**	**4,956**	**182,084**	**233,300**

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

D

ITALY

58.971 M

GDP: EUR 2,192.18 Bn

CONTACT INFORMATION

COUNTRY	Italy
CURRENCY	EUR
NAME ORGANIZATION	FONDAZIONE COPIA PRIVATA ITALIA
WEB SITE	www.copiaprivataitalia.it
E-MAIL	Segreteria.fondazione@copiaprivataitalia.it

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	SIAE is the CMO appointed by law to manage the private copy levy. Since 2023, SIAE has delegated the collection and primary distribution to FONDAZIONE COPIAPRIVATA ITALIA.
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: No
TARIFFS	Yes
BENEFICIARIES	Authors Publishers Performers Producers Videogram producers (DVD, Blu-ray, etc...)
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	☑ Payment ☒ Disclosure - must provide information on the type and quantity of levied products placed on the market on request ☒ Reporting - must report the type and quantity of imported items
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	Yes, 10% cultural deduction

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By Law (or other legal instrument)

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Empirical studies of consumers behaviour on private copying

ITALY

RATE SETTING

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

Regularly. The law dictates that the rates are revised every three years by the Minister of Culture. In case of delay the rates remain in place for longer periods until the definition of new rates. The rates published in 2020 are currently under revision.

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

Yes

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY?

Yes

DO LEVIES FOR REFURBISHED DEVICES DIFFER FROM LEVIES FROM NEW DEVICES?

No

EXEMPTION AND REFUND

ARE THERE EXEMPTIONS TO THE LEVY PAYMENT OBLIGATION?

Yes, exemption applies in case of export; refund applies in case of professional use (application for upfront deduction).

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

Yes, Italy's 2024 Ministerial Decree on exemptions/refunds treats devices and media as outside private copying when their design or use makes private copying impossible. Specifically, (a) the recording function is technically disabled and cannot be unlocked, or (b) the memory is filled with non-removable content. If only part of the memory is pre-filled, the levy applies to the unused portion.

ARE THERE ANY PRODUCTS EXEMPT FROM LEVIES?

No

EXEMPTION (EX-ANTE)?

Ex-ante exemptions rely on importer/manufacturer declarations listing devices/media demonstrably unrelated to private copying, with invoices to the end-user and a professional-use declaration attached. The rules are set by a Minister of Culture decree, and exemptions are administered by Fondazione Copia Privata Italia on behalf of SIAE.

REFUND/REIMBURSEMENT (EX-POST)?

The end-users asking for refunds must give evidence of their professional status attached to their refund application the required documents as indicated in the Ministerial Decree. In Italy the manufacturers/importers and the end-users suppliers may also apply for reimbursement.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of individual industry debtors to report and pay

HOW FREQUENTLY IS PAYMENT DUE?

Quarterly

ITALY

COLLECTION PROCESS

HOW DO YOU MONITOR THE MARKET?

SIAE made an agreement with the Agenzia delle Dogane regarding import data. By law, SIAE must carry out an inspection activity.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

No

ARE EXPORTS EXEMPTED?

Yes

WHO IS CONSIDERED IMPORTER?

According to Ministerial Decree (art. 1 of Technical Annex), the importer is the person who buys foreign products which are subject to levies and sells them in Italy, or a foreign company that sells products directly to final users (e.g. via e-commerce).

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Image: Authors (SIAE and other CMOs)

Music: Authors (SIAE, LEA/Soundreef and other music CMOs authors and publisher assignees), Phonographic producers (SCF, Evolution, GetSound, Itsright, AFI),Audio performers (Nuovo IMAIE, Itsright, Evolution,RASI)

Audiovisual works: Authors (SIAE, MRights), Cinematographic producers (ANICA), Audiovisual producers (APA), Videogramproducers (Univideo), Video performers (Nuovo IMAIE, Artisti 7607, RASI)

Videoclips: See "Music"

Audiobooks: See "Music"

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Yes, the principles applicable to primary and secondary (individual) distribution are indicated in the Decree of the Minister of Culture n. 259 of 20 July 2023.

FREQUENCY OF DISTRIBUTION

SIAE distributes the collected remunerations semi-annually directly to authors. Every organizations of rightsholders (producers and performers) have its own terms.

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors
Publishers
Performers
Producers
Videogram producers (DVD, Blu-ray, etc...)

ITALY

DISTRIBUTION PROCESS

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Based on empirical study data
Fixed by legislator
Fixed by CMO
Fixed by legislator (primary distribution among different categories of beneficiaries)
Fixed by CMO (secondary distribution)

HOW DO RIGHTSHOLDERS CLAIM THEIR DISTRIBUTION?

Automatic/periodic distributions through CMOs

DISTRIBUTION KEYS SUBMITTED?

No

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

Yes, 10% cultural deduction

HOW IS THE AMOUNT/PERCENTAGE OF SOCIAL AND/OR CULTURAL DEDUCTIONS DETERMINED?

Amount/percentage mandated by law

WHAT IS THE PURPOSE OF THE DEDUCTION AND WHO CAN BENEFIT?

Italy's cultural deduction applies **only** to the private copy levy: **10% of all amounts collected** calculated **before distribution**, is allocated by **SIAE** to fund national and international cultural promotion for **young authors**.

LEGAL BASIS

EXCEPTION AND LEVY

Law No. 663 of April 22, 1941, on the Protection of Copyright and Neighboring Rights (as amended up to Law No. 142 of September 21, 2022)

Article 71- sexies

1. Private reproduction of phonograms and videograms on any carrier is permitted on condition that it is carried out by natural person with the sole purpose of personal use and provided that it has not a gainful intent, nor does it have direct or indirect commercial purposes and incompliance with the technological measures under art.102-quater.

2. The reproduction referred to in paragraph 1 may not be carried out by third parties. The provision of services aimed at enabling a natural person to reproduce phonograms and videograms for personal use constitutes a reproduction activity subject to Articles 13, 72, 78-bis, 79 and 80.

3. The provision in paragraph 1 does not apply to works or protected materials made available to the public in such a way that anyone may access them from a place and at a time individually chosen, when the work is protected by the technological measures under Article 102-quater or when access is granted on the basis of contractual agreements.

ITALY

LEGAL BASIS

EXCEPTION AND LEVY

4. Without prejudice to paragraph 3, rightholders are required to allow that, despite the application of the technological measures under Article 102-quater, a natural person who has acquired lawful possession of copies of the work or protected material, or has had lawful access to them, may make a private copy, even merely in analog form, for personal use, provided that this possibility does not conflict with the normal exploitation of the work or other materials and does not unreasonably prejudice the rightholders.

LEVY ONLY

Article 71 – septies

1. Authors and producers of phonograms, as well as original producers of audiovisual works, performing artists, and producers of videograms, and their successors in title, are entitled to compensation for the private reproduction of phonograms and videograms referred to in Article 71-sexies. This compensation consists, for devices exclusively intended for the analog or digital recording of phonograms or videograms, of a share of the price paid by the final purchaser to the retailer; for multifunction devices it is calculated on the price of a device with characteristics equivalent to those of the internal recording component, or, where this is not possible, of a fixed amount per device. For audio and video recording media—such as analog media, digital media, fixed or removable memories intended for recording phonograms or videograms—the compensation consists of an amount commensurate with the recording capacity of such media. For remote video-recording systems, the compensation is due from the service provider and is commensurate with the remuneration obtained for providing the service.

2. The compensation in paragraph 1 is determined, in compliance with EU law and taking reproduction rights into account, by decree of the Minister for Cultural Heritage and Activities, adopted after consulting the committee under Article 190 and the most representative trade associations of the producers of the devices and media referred to in paragraph 1. To determine the compensation, account is taken of whether technological measures under Article 102-quater are applied, as well as of the different impact of digital copying compared to analog copying. The decree is updated every three years.

3. The compensation is owed by those who manufacture in, or import into, the State's territory for profit the devices and media indicated in paragraph 1. These parties must file with the Italian Society of Authors and Publishers (SIAE), every three months, a statement showing the transfers made and the compensation due, which must be paid at the same time. In case of non-payment of the compensation, the distributor of the devices or recording media is jointly liable for payment.

4. Violation of the obligations in paragraph 3 is punished with an administrative fine equal to double the compensation due, and, in more serious cases or in case of repeat offense, with suspension of the commercial or industrial license/authorization from fifteen days to three months, or with revocation of the license or authorization.

COLLECTION AND DISTRIBUTION SYSTEMS

Article 71-octies

1. The compensation referred to in Article 71-septies for audio recording devices and media is paid to the Italian Society of Authors and Publishers (SIAE), which distributes it, net of expenses, 50% to authors and their successors in title and the remaining 50%, in equal parts, to phonogram producers and to performing artists, including through entities that carry out intermediation of related rights under Legislative Decree 15 March 2017, No. 35.

2. **Paragraph abrogated** by Decree-Law 25 May 2021, No. 73, as converted with amendments by Law 23 July 2021, No. 106.

ITALY

6/7

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

3. The compensation referred to in Article 71-septies for video recording devices and media is paid to SIAE, which distributes it, net of expenses, including through the most representative trade associations of their categories, 30% to authors and the remaining 70% in equal parts among the original producers of audiovisual works, the producers of videograms, and the performing artists. The share due to performing artists is allocated 50% to the activities and purposes referred to in Article 7(2) of Law 5 February 1992, No. 93.

3-bis. To encourage the creativity of young authors, **10% of all compensation collected under Article 71-septies**, calculated **before** the distributions made by SIAE under paragraphs 1 and 3 of this Article, is allocated by SIAE—on the basis of a specific annual policy act of the Minister of Culture—to activities for national and international cultural promotion.

3-ter. By **31 December** each year, SIAE transmits to the Ministry of Culture a detailed account of the expenses under paragraphs 1 and 3 incurred for managing the activities referred to in those paragraphs, along with the list of beneficiaries of the compensation distribution and the related amounts.

3-quater. By **31 December** each year, the entities authorized to distribute the compensation referred to in Article 71-septies transmit to the Ministry of Culture and to SIAE a detailed account of the destination of the sums and their distribution to beneficiaries, as well as of the expenses incurred insofar as strictly connected to distribution activity. To promote economy, effectiveness and efficiency and to reduce management costs, SIAE defines models and procedures—approved by the Ministry of Culture—relating to distribution activities, which also enable SIAE to verify the necessity and appropriateness of reported expenses and any amounts set aside or otherwise not distributed. SIAE may carry out administrative-accounting audits, including on a sample basis, to verify the accuracy of the reported data and may order the replenishment of amounts deducted to cover management expenses or any reserves, for subsequent distribution to beneficiaries. Failure to comply with the reporting obligations in this paragraph prevents non-compliant entities from participating in subsequent distributions and requires them to return the total amounts received from SIAE. SIAE reports to the Ministry of Culture on the outcomes of these audits.

LEGAL DEVELOPMENTS

The court cases concerning private copy levy in Italy are dealt with in the administrative tribunal (TAR Lazio) since the rates and the exemption procedure are determined by decrees of the Minister of Culture. The subsequent decrees on rates were challenged by various technology companies. The first instance decisions and the appeal judgements confirmed the legitimacy of the decrees. However, due to the remarkable length of these proceedings, the case on the 2020 decree on rate determination is pending in appeal. After CJEU decisions concerning exemptions and refunds, in 2019 the Minister of Culture issued a Decree that was partially deemed unlawful by the Council of State (appeal administrative court). That decree is replaced by a new decree in December 2024, that has also been challenged. The case is pending in front of the Regional Administrative Tribunal.

ITALY

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)	Capacity
Smartphones	6.30 6.90	128 Gb 256 Gb
Tablets 6.30	5.20 128 Gb 6.90	64 Gb 256 Gb
External HD	9.21 16.00	1 Tb 4 Tb
SD and Micro SD memory cards	2.56 8.96	32 Gb 128 Gb
USB Sticks	5.12 20.48	64 Gb 256 Gb
Set top BOX with hard drive	6.44 9.66	≤256 Gb >256 Gb
All Other Devices Wearables	2.20 (up to 4 GB) 5.60 (> 33 GB)	

REVENUES IN LOCAL CURRENCY

Collection in '000 EUR	2019	2020	2021	2022	2023	2024
Total	**123,900**	**126,700**	**147,700**	**148,600**	**124,100**	**117,700**

Percentage distributed	2019	2020	2021	2022	2023	2024
Musical - Audiovisual Works	100%	100%	100%	100%	100%	100%

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

LATVIA

1.872 M GDP: EUR 40.208 Bn

CONTACT INFORMATION

COUNTRY	Latvia
CURRENCY	EUR
NAME ORGANIZATION	AKKA/LAA
WEB SITE	www.akka-laa.lv
E-MAIL	info@akka-laa.lv

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Ministry of Culture
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	Yes, tariffs are set by Cabinet regulations
BENEFICIARIES	Authors, performers, phonogram producers and film producers.
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	☑ Payment ☒ Disclosure - must provide information on the type and quantity of levied products placed on the market on request ☒ Reporting - must report the type and quantity of imported items
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	Yes

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By Copyright Law, Cabinet Regulation No. 321 through negotiations between all stakeholders

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

At irregular intervals

LATVIA

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY?

Yes

DO LEVIES FOR REFURBISHED DEVICES DIFFER FROM LEVIES FROM NEW DEVICES?

No, If the device is sent to another country, refurbished and then sent back, it is subject of levy just like any new device that is imported.

EXEMPTION AND REFUND

ARE THERE EXEMPTIONS TO THE PAYMENT LEVY OBLIGATION?

Yes, exemptions apply in case of export and rebates in case of professional use (e.g. liable parties signing an umbrella (e.g. liable parties signing an umbrella agreement with a collecting society).

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

No

EXEMPTION (EX-ANTE)?

Criteria are set by Cabinet Regulation No.321.

REFUND/REIMBURSEMENT (EX-POST)?

Carriers which have been exported or sold to professional users receive a refund. For exported carriers we trust that Importers are giving us correct information, but if there are any doubt, we ask for invoices proving fact of export. Refunds for carriers sold to professional users are only for those that are registered in our system as a professional user and give us monthly reports.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of individual industry debtors to report and pay

HOW FREQUENTLY IS PAYMENT DUE?

Monthly

HOW DO YOU MONITOR THE MARKET?

AKKA/LAA carries out regular inspections to business places and storehouses.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

No; however, sometimes AKKA/LAA cooperates with police authorities.

ARE EXPORTS EXEMPTED?

Yes

WHO IS CONSIDERED IMPORTER?

All companies which import the levied goods in Latvian territory

LATVIA

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

AKK/LAA

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Yes, but it only specifies that we have to disburse the levy to the collective management organizations by 1st of March of the next year.

FREQUENCY OF DISTRIBUTION

Annually

WHICH RIGHTS HOLDERS ARE INCLUDED?

Authors
Publishers
Performers
Producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Fixed by legislator

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Automatic/periodic distributions through CMO's

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

Yes

HOW IS THE AMOUNT/PERCENTAGE OF SOCIAL AND/OR CULTURAL DEDUCTIONS DETERMINED?

Mandated by law

WHO CAN BENEFIT?

Social, cultural, or educational services

LATVIA

LEGAL BASIS

EXCEPTION AND LEVY

General Scheme:

Article 34 of the Copyright Law of 2000 (as amended up to April 5, 2023) (Cabinet Regulation No. 321)

(1) Without the author's consent, a natural person is permitted to reproduce works included in a lawfully acquired film or phonogram, or in another form of expression of a protected work, as well as visual works, including in digital form, in a single copy for personal use without direct or indirect commercial purpose. No other persons may be involved in making such a copy. Authors are entitled to fair remuneration for making such a copy (carrier remuneration).

Reprographic Devices:

Article 35 of the Copyright Law of 2000 (as amended up to April 5, 2023)

(1) Without the author's consent, a natural person is permitted to reprographically reproduce published works, except musical scores, for personal use without direct or indirect commercial purpose. Persons who possess or use equipment intended for reprographic reproduction and who make such reproduction available to natural persons for a fee or free of charge may reprographically reproduce works for the benefit of a natural person and for that person's personal use. Authors and publishers are entitled to fair remuneration for reprographic reproduction.

LEVY ONLY

General Scheme:

Article 34 of the Copyright Law of 2000 (as amended up to April 5, 2023)

(2) The blank tape levy for reproduction for personal use shall be paid by manufacturers and persons who import into Latvia equipment used in such reproduction and blank recording media (audio recording cassettes, videotapes or video cassettes, laser discs, compact discs, minidisks and the like).

(3) The blank tape levy shall not be paid if the equipment and blank recording media referred to in Paragraph two of this Section is imported for professional use by broadcasting organizations or the equipment and blank recording media are imported wholesale for reproduction of works for commercial purposes, as well as where natural persons import such equipment and blank recording media for non-commercial purposes.

(4) If the equipment and blank recording media referred to in Paragraph two of this Section are exported unused from Latvia, persons who have paid the blank tape levy have the right to receive it back.

(5) The seller of the equipment and blank recording media referred to in Paragraph two of this Section, on the basis of a request from a collective management organization, has a duty to prove that the blank tape levy for the referred to equipment and blank recording media has been paid.

(6) If a seller cannot prove that the blank tape levy has been paid, the seller shall pay such levy. In such case, the seller is entitled to bring a subrogation action against the manufacturer or the person who imported the referred to equipment and blank recording media into Latvia.

(..)

(8) The provisions of this Section shall not apply to computer programs and databases.

LATVIA

5/6

LEGAL BASIS

LEVY ONLY

Reprographic Devices:

Article 35 of the Copyright Law of 2000 (as amended up to April 5, 2023)

(2) The remuneration for reprographic reproduction shall be paid by persons who possess or use equipment intended for reprographic reproduction and who make such reproduction available to natural persons for a fee or free of charge.

COLLECTION AND DISTRIBUTION SYSTEMS

General Scheme:

Article 34 of the Copyright Law of 2000 (as amended up to April 5, 2023)

(7) The amount of the blank tape levy, procedures for collection, repayment and payment of the levy, as well as proportional distribution among authors, performers and phonogram and film producers shall be determined by the Cabinet.

Reprographic Devices:

Article 35 of the Copyright Law of 2000 (as amended up to April 5, 2023)

3) The amount of remuneration payable for reprographic reproduction, as well as the procedures for its collection, reimbursement, and payment, shall be determined by a collective management organisation by agreement with the persons referred or with an association of such persons.

COURT CASES

Decision by Constitutional court of Latvia Case No. 2011-17-03:

Four collective management organizations in Latvia responsible for administering private digital copying on behalf of rightsholders sued the Cabinet of Ministers who is responsible for drawing up a list of empty data carriers and equipment used for private digital reproduction subject to levies.

The Regulation had neither been revised nor updated since its release in 2005. The societies argued that the Regulation infringed the fundamental rights of authors as it regulated the payment of blank tape levies only for certain empty data carriers and equipment. The Cabinet of Ministers argued that it was not balanced to apply a levy on each blank tape or on all kinds of recording equipment, just because they could be used for reproduction of objects of copyright or related rights.

The Constitutional Court ruled that the Cabinet of Ministers had failed to fulfill its task to establish criteria and to draw up a list of empty data carriers and recorders that are subject to levies, to follow technological developments, supplement the list of empty data carriers and equipment and to substantiate whether the legal regulatory framework is still effective and should or should not be improved. As a result of the judgment the Cabinet of Ministers revised Regulation No. 312 in October 2012 (updated in April 2021).

LATVIA

TARIFFS IN LOCAL CURRENCY

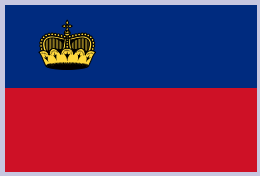
Storage Media	Tariff (EUR)
Smartphones	1.50
Tablets	2.85
External HD	4% of sales price
USB Sticks	6% of sales price
Reprographic devices (i.e., devices for text and image copying only)	Not reported.
Other: refurbished or remanufactured goods	Same as for new devices
All Other Devices	
PC	2.85
Internal HDD (if sold separately)	2.85

REVENUES IN LOCAL CURRENCY

Collection in '000 EUR	2019	2020	2021	2022	2023	2024
Digital devices						
Authors	215	213	487	611	621	581
Neighboring rights soc.	340	339	774	970	985	921
Total	**555**	**552**	**1,261**	**1,581**	**1,606**	**1,502**

Percentage distributed	2019	2020	2021	2022	2023	2024
Text-Image Works	26.4%	26.4%	26.4%	48%	48%	48%
Musical - Audiovisual Works	73.6%	73.6%	73.6%	52%	52%	52%

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS



LIECHTENSTEIN

0.04 M **GDP: EUR 8.03 Bn**

CONTACT INFORMATION

COUNTRY	Liechtenstein
CURRENCY	CHF
NAME ORGANIZATION	SUISA
WEB SITE	www.suisa.ch
E-MAIL	info@suisa.ch

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	The Swiss Federal Institute of Intellectual Property
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: Yes Reprography: Yes
TARIFFS	Yes
BENEFICIARIES	Script-Writers, Directors, Producers, musical authors and publishers, writers, photographers, Performers
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	☑ Payment ☒ Disclosure - must provide information on the type and quantity of levied products placed on the market on request ☒ Reporting - must report the type and quantity of imported items ☒ Auditing
EXEMPTION	Export
SOCIAL AND CULTURAL DEDUCTIONS	Yes; 10% depending on CMO's regulation.

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By Law (or other legal instrument), by official procedure involving CMOs and debtors, by negotiation based on the actual number of copies made (empirical study).

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

Yes, not legally necessary, but indispensable in practice.

LIECHTENSTEIN

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY?

Yes

DO LEVIES FOR REFURBISHED DEVICES DIFFER FROM LEVIES FROM NEW DEVICES?

No

EXEMPTION AND REFUND

ARE THERE EXEMPTIONS FOR LEVY PAYMENT OBLIGATION?

Yes, in case of export
No exemption in case of professional use

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

No

REFUND/REIMBURSEMENT (EX-POST)?

A refund is possible for empty carriers that can be proven to have been exported from Switzerland. The refund will be made in the form of a credit note against the levies owed.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of Industry organisations to report and pay CMOs on behalf of members
Duty of CMOs to request reporting and payment from industry debtors

HOW FREQUENTLY IS PAYMENT DUE?

Monthly/Quarterly

HOW DO YOU MONITOR THE MARKET?

At SUISA's request, producers and importers shall grant SUISA access to their warehouses and books for verification purposes. SUISA may request a corresponding confirmation from the producer's or importer's auditors. Verification may be entrusted to an independent third party; if the verifications show that the producer's or importer's declarations were false or incomplete, the latter shall bear the verification costs; otherwise those costs will be borne by the party who requested the third-party verification.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

There is no collaboration or data exchange between tax authorities/customs an CMOs.

ARE EXPORTS EXEMPTED?

Yes

DEFINITION OF IMPORT

The importer is any company importing blank carriers into the territory of Switzerland, regardless of whether it uses the carriers itself or offers them to retailers or directly to private customers.

LIECHTENSTEIN

COLLECTION PROCESS

WHO IS CONSIDERED IMPORTER?

As for cross-border situations, a foreign provider is also regarded as importer if the handling of a purchase for Swiss customers is equal to a purchase from a domestic provider.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Text: Pro Litteris
Image: Pro Litteris
Music: SUISA
Audiovisual works: Suissimage, SSA
Videoclips: IRF
Audiobooks: Pro Litteris

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

No

FREQUENCY OF DISTRIBUTION

Automatic/periodic distributions through CMOs

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors
Publishers
Performers
Producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Based on empirical study data
Fixed by CMO

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Automatic/periodic distributions through CMOs

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

Yes; 10% depending on CMO's regulation

HOW IS THE AMOUNT/PERCENTAGE OF SOCIAL AND/OR CULTURAL DEDUCTIONS DETERMINED?

Amount/percentage imposed by CMO

LIECHTENSTEIN

SOCIAL AND CULTURAL FUNDS

WHAT IS THE PURPOSE OF THE DEDUCTION AND WHO CAN BENEFIT?

For social welfare purposes and for the appropriate promotion of culture. Targets depend on CMO's regulation.

LEGAL BASIS

EXCEPTION AND LEVY

URG (Act of May 19, 1999 on Copyright and Neighboring rights, consolidated version of November 1, 2021)

ART. 22 "Privileged uses"

Art. 22(1):

(a) Any use of a work in the personal sphere and within a circle of persons closely connected (such as relatives or friends).

Art. 22(3) (outside the private circle, not permitted):

(a) copying all or substantially all of commercially available copies;
(b) copying works of fine art; (c) copying musical notation; (d) recording lectures/performances onto audio-/audiovisual/data carriers.

Art. 22(4): Computer programs are excluded from this article.

LEVY

ART. 23 "Remuneration for privileged uses"

Art. 23(3) (blank-media levy):
anyone who manufactures or imports blank audio/video carriers "suitable for recording works" owes remuneration

Art. 23(4):
Claims for remuneration may be asserted only by a collecting society licensed in Liechtenstein (Arts. 50 et seq.)

COLLECTION AND DISTRIBUTION SYSTEMS

ART. 50 URG references the distribution scheme to the rules of the VGG (Management Companies Act). English version available at: **https://www.gesetze.li/konso/2018.111**

VGG -

Art. 19 – "Collection, administration and distribution of proceeds":
"The collecting society shall collect, manage, and distribute the proceeds from exploitation, including proceeds from the rights it manages under a representation agreement (Article 39), with due diligence in accordance with this section, unless this law provides otherwise. Exploitation proceeds within the meaning of this law also include income from the investment of these proceeds".

Art. 23 "Distribution Principles":

1) Collecting societies must distribute the proceeds from exploitation in proportion to the revenue generated by each work. They must make all reasonable efforts to determine the rightsholders.

LIECHTENSTEIN

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

(2) If such distribution is unreasonably costly, the collecting societies may estimate the amount of the revenue from the work; such estimates must be based on verifiable and appropriate considerations.

3) The proceeds from exploitation shall be distributed between the author and other rightholders in such a way that the author generally retains a reasonable share. A different distribution is permissible if the expense would be unreasonable or if the work is performed for a service purpose.

4) The distribution regulations (Article 24) do not revoke contractual agreements between the original right holder and third parties.

Art. 24 — "Distribution regulations":

"The collecting society establishes fixed rules that prevent arbitrary distribution of proceeds (distribution regulations). These distribution regulations must be submitted to the supervisory authority for approval".

Art. 25 — "Distribution period":

1) The collecting society shall determine in the distribution regulations or in the terms of administration the time limits within which the proceeds from the exploitation shall be distributed.

2) The collecting society shall determine the deadlines so that the proceeds from the exploitation are distributed no later than nine months after the end of the financial year in which they were collected.

3) The collecting society may provide that a period shall not expire as long as the collecting society is prevented from carrying out the distribution for objective reasons beyond its control.

4) Any proceeds from exploitation that are not distributed within the deadlines because the right holder cannot be identified or located shall be shown separately by the collecting society in its accounting records.

Art. 28 — "Deductions from the proceeds of the sale":

1) Deductions from the proceeds of exploitation must be reasonable in relation to the services provided by the collecting society to the rightholders and must be determined on the basis of objective criteria.

2) To the extent that the collecting society makes deductions from the proceeds of exploitation to cover the costs incurred in the management of copyright and related rights (administrative costs), the deductions may not exceed the justified and documented administrative costs.

LEGAL DEVELOPMENTS

No revision in progress

LIECHTENSTEIN

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (CHF)	Capacity
Smartphones	3.66 4.56	128 Gb 256 Gb
Tablets	2.76 3.66 4.56	64 Gb 128 Gb 256 Gb
External HD	3.80 3.80	1 Tb 4 Tb
NPVR subscription capacitie (based on the assumption that one hour of recorded program is about 1 Gb of data)	0.90 per month per subscriber.	Storage space limited to the largest set-top box available on the market.
SD and Micro SD memory cards	2.00 3.66	32 Gb 128 Gb
USB Sticks	(Unreported)	64 Gb /256 Gb
Set top BOX with hard drive	4.56 5.32 up to 7.89	≤256 Gb >256 Gb
Reprographic devices (i.e., devices for text and image copying only)	Companies: 3.20 - 8.20 per year Municipalities/Cantons: 140 – 46,006	Flat-rate fees per workplace (administration, companies) or per inhabitant (municipalities, cantons).
Other: refurbished or remanufactured goods	Same rate as new devices	Only if the device in question has never been billed according to the Swiss tariff before (which is why import is necessary in each case in order to have a legal basis for the levy).

Note: Total revenues from private copying levies are included in collections figures for Switzerland.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

LITHUANIA

2.892 M **GDP: EUR 78.413 Bn**

CONTACT INFORMATION

COUNTRY	Lithuania	
CURRENCY	EUR	
NAME ORGANIZATION	Lithuanian Neighboring Rights Association (AGATA)	Association LATGA (collecting levies for reprographic reproduction)
WEB SITE	www.agata.lt	www.latga.lt
E-MAIL	agata@agata.lt	latga@latga.lt

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Lithuanian Neighboring Rights Association (AGATA). Appointed by The Minister of Culture in accordance with the Law. Association LATGA (collecting levies for reprographic reproduction) appointed by the Minister of Culture.
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	Yes
BENEFICIARIES	AGATA: Performers and phonogram producers LATGA: Authors (music, audiovisual works, text, image)
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	☑ Payment ☒ Reporting - must report the type and quantity of imported items
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	Yes

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By law

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Using empirical counts of actual copies and an estimate of resulting harm, applying criteria that reflect consumer copying behavior, harm magnitude, and the source of the copies.

LITHUANIA

RATE SETTING

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

At irregular intervals (according to the Law on Copyright and Related Rights the rates should be reviewed at least once in two years. However they haven't been changed since 2018).

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

General scheme: Yes
Reprography: No

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY?

Yes (only for AGATA)
NB: Products that have been returned and sold as new may fall within scope of the levy in some jurisdictions as it could be considered within the category of manufacturing or import of components (e.g., "refurbished" hard disks).

IF YES, ARE REFURBISHERS OBLIGED TO PAY THE LEVY?

Yes

DO LEVIES FOR REFURBISHED DEVICES DIFFER FROM LEVIES FROM NEW DEVICES?

No

EXEMPTION AND REFUND

ARE THERE EXEMPTIONS FOR LEVY PAYMENT OBLIGATION?

Yes, in case of export and in case of professional use

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

People with disabilities

REFUND/REIMBURSEMENT (EX-POST)?

Refunds are available upon submitting proof of professional use or export. Eligible cases include devices exported from Lithuania; devices acquired for persons with disabilities; devices acquired by reprographic service providers for professional use; and devices acquired for other professional purposes as listed in the approved schedule. For exports, applicants must submit invoices together with documents proving export. For refunds related to persons with disabilities, reprographic service providers, and other professional uses, applicants must submit invoices.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of individual industry debtors to report and pay

HOW FREQUENTLY IS PAYMENT DUE?

Monthly

LITHUANIA

COLLECTION PROCESS

HOW DO YOU MONITOR THE MARKET?

Monitoring of the market, and direct contact with companies or persons. If they have a duty to pay remuneration, they make contract with the responsible association AGATA and pay this levy in accordance with the Resolution of the Government. If the liable party is not compliant, the responsible association contacts them by telephone or email to inform them about their duties and legal liability. If this is not effective, AGATA provides a formal claim. Then the liable party is referred to a law firm, which represents AGATA, and lawyers for that company also submit a claim. The last step is a court procedure where the civil claim is lodged.

Also according to the Resolution of the Government, the responsible association has a right to inspect the accuracy of the reports about the levied media and devices sold in the Republic of Lithuania for the first time, and inspect the import, production, and sales documents of the liable party in the workplace.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

In individual and rare cases

ARE EXPORTS EXEMPTED?

Yes

WHO IS CONSIDERED IMPORTER?

The importer is the person who makes the import from the EU and third countries (not EU countries).
In Lithuania, the duty to pay remuneration for private copying arises when the first seller executes the first sale of imported or manufactured levied media or devices.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

General Scheme:
Text: LATGA
Image: LATGA
Music: AGATA, LATGA
Audiovisual works: LATGA, AVAKA
Videoclips: AGATA, LATGA, AVAKA
Audiobooks: LATGA

Reprographic Devices:
Text: Association LATGA (authors, publishers)
Image: Association LATGA (authors)
Music: Association LATGA (authors), AGATA (performers, phonogram producers)
Audiovisual works: Association LATGA (authors), AVAKA (authors, producers), AGATA (performers)
Videoclips: Association LATGA (authors), AVAKA (authors, producers), AGATA (performers)
Audiobooks: N/A

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

Under General and Reprographic Schemes: No

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

General Scheme: Yes, in accordance with a Government resolution once a year
Reprographic Devices: Yes, once a year, for the previous year, by June 1 of the following year

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

LITHUANIA

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DISTRIBUTION PROCESS

FREQUENCY OF DISTRIBUTION

General Scheme: Distribution is yearly and includes remunerations collected until the 31st of December.
Reprographic Devices: N/A

WHICH RIGHTSHOLDERS ARE INCLUDED?

General Scheme:
Authors
Performers
Producers

Reprographic Devices:
Authors
Publishers
Performers
Producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Under General and Reprographic Schemes: Fixed by legislator

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Under General and Reprographic Schemes: Automatic/periodic distributions through CMOs

DISTRIBUTION KEYS SUBMITTED?

Under General and Reprographic Schemes: Yes

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

Yes, 25% for private copying levies from digital devices and media, collected by AGATA. There are no social or cultural deductions for reprography levies.

HOW IS THE AMOUNT/PERCENTAGE OF SOCIAL AND/OR CULTURAL DEDUCTIONS DETERMINED?

By law, **25% of collected remuneration** is earmarked and split: **1/5** for **rights-protection measures**; **2/5** for the national **copyright/related-rights protection program** (administered by the **Lithuanian Council for Culture**, excluding CMO-implemented measures); and **2/5** for **CMO-run** creative, educational, and/or rights-protection programs (as decided by the **members' general assembly**).

WHAT IS THE PURPOSE OF THE DEDUCTION AND WHO CAN BENEFIT?

AGATA's General Assembly resolved to channel these funds into strategic, ongoing projects, including **Music Hall**, **PAKARTOT.LT**, the **Music Publishing Fund**, and initiatives promoting legal use (expanding lawful access, strengthening rights protection and enforcement, and education). Funds will also support targeted projects addressing the needs of professionals in the audiovisual sector.

LITHUANIA

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LEGAL BASIS

EXCEPTION AND LEVY

Law on Copyright and Related Rights of the Republic of Lithuania
1999-05-18 No. VIII-1185, **consolidated version as of 7 June 2022.**

General Scheme:

ARTICLE 20

1. It shall be permitted for a natural person, without the authorization of the author of the work or any other owner of copyright in the work, to reproduce, exclusively for his individual use and not for commercial advantage, in a single copy a work lawfully published or communicated to the public.

(..)

3. The provisions of paragraph 1 of this Article shall not apply to the reproduction of the following works:

1) works of architecture in the form of building or other construction works;
2) computer programs (except for the cases provided for in Articles 30 and 31 of this Law);
3) electronic databases (except for the cases provided for in Article 32 of this Law).

Reprographic Devices:

ARTICLE 20

1. Without the consent of the author of a work or another subject of the copyright in that work, it is permitted to reproduce, for personal purposes, by reprography (by any photocopying method or using other processes of a similar nature where reproduction is made on paper or another similar medium) a lawfully published article or other short work, or a short extract from a written work, with illustrations or without them, where reproduction is carried out for non-commercial purposes.

2. The provisions of paragraph 1 of this Article shall not apply to the reproduction by reprography of the entire text of a book or of a substantial part thereof, or to the reproduction of the musical notation of a musical work.

LEVY ONLY

Article 20 of the Law on Copyright and Related Rights No. VIII-1185 of May 18, 1999 (as amended up to June 7, 2022)

General Scheme:

4. The owners of copyright and related rights shall be entitled to receive compensatory remuneration for reproduction of audiovisual works or works fixed in phonograms referred to in paragraph 1 of this Article for personal use (hereinafter in this Article: 'the compensatory remuneration').

5. The compensatory remuneration must be paid for the devices and analogous and digital blank audio and audiovisual media listed in Annex 1 to this Law, released for circulation and sold in the Republic of Lithuania for the first time, produced in the Republic of Lithuania or imported into the territory of the Republic of Lithuania and intended for reproduction for private use (hereinafter in this Article: 'devices' and 'blank media'). The compensatory remuneration must be paid by the persons selling such devices and blank media (hereinafter in this Article: 'compensatory remuneration payers') in the Republic of Lithuania.

6. A list of blank media and devices subject to the compensatory remuneration and the compensatory remuneration rates laid down out in Annex I to this Law shall be reviewed at least once in two years. Other terms and conditions and procedure for paying the compensatory remuneration shall be established by the Government taking into consideration the application or non-application of technological protection measures determined in Article 74(1) and (2) of this Law, after agreement with associations representing the compensatory remuneration payers and associations of collective administration of copyright and related rights.

LITHUANIA

LEGAL BASIS

LEVY ONLY

7. The paid compensatory remuneration shall be refunded in accordance with the procedure laid down by the Government in the following cases:

1) where blank media and devices are acquired for professional needs.
For the purposes of the present Article, professional needs shall be deemed to be the needs of broadcasting organizations and persons circulating audiovisual works and works fixed in phonograms or objects of related rights for producers of audiovisual works and phonograms, where such needs are related to the fixation of works or objects of related rights and the needs of the persons who acquire blank media and devices for the purposes evidently other than reproduction of works for private use (e.g. where works are reproduced in public administration and defense agencies and organizations, hospitals, educational institutions, libraries and state archives, museums, research institutions and organizations and where reproduction of works is meant exclusively for the operational needs of the said institutions and organizations);

2) where blank media and devices are acquired for the needs of persons with a disability.

3) where blank media and devices are brought out of the territory of the Republic of Lithuania.

Reprographic Devices:

3. The subjects of copyright and publishers shall have the right to receive compensatory remuneration for the reproduction of works by reprography as provided in paragraph 1 of this Article (hereinafter in this Article – "compensatory remuneration").

4. Compensatory remuneration must be paid for reprographic reproduction services provided to natural persons and for the reprographic devices specified in Annex 2 to this Law, which are sold for the first time in the Republic of Lithuania, are in civil circulation and are manufactured in the Republic of Lithuania or imported into its territory for reproduction for personal use (hereinafter in this Article – "reprographic devices"). Compensatory remuneration must be paid by persons providing reprographic services and by persons selling reprographic devices (hereinafter in this Article – "payers of compensatory remuneration") in the Republic of Lithuania.

5. The list of reprographic devices for which compensatory remuneration must be paid, and the rates of the compensatory remuneration for reprographic devices and for reprographic reproduction services, as set out in Annex 2 to this Law, must be reviewed at least every two years. Other conditions and the procedure for the payment of compensatory remuneration shall be established by the Government, after coordination with the associations representing the payers of compensatory remuneration and with collective management organisations.

COLLECTION AND DISTRIBUTION SYSTEMS

Article 20 of the Law on Copyright and Related Rights No. VIII-1185 of May 18, 1999 (as amended up to June 7, 2022)

General Scheme:

8. The compensatory remuneration for the owners of rights referred to in paragraph 4 of this Article shall be collected, allocated and paid by the collective administration associations approved by the institution authorized by the Government in accordance with the procedure laid down by the Government.

9. 25 per cent of the compensatory remuneration collected in accordance with the procedure established by the Government shall be allocated for creative programs and programs for the protection of copyright and related rights.

LITHUANIA

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

10. After deducting from the collected compensatory remuneration the amount referred to in paragraph 9 of this Article and the costs incurred by collective administration associations as a result of collection, distribution and refunding of the compensatory remuneration, the remaining amount shall be allocated as follows:

1) 1/3 of the compensatory remuneration collected for blank audio recording media and devices shall be allocated to authors, 1/3 to performers and 1/3 to producers of phonograms (including broadcasting organizations for phonograms produced by them);

2) 1/3 of the compensatory remuneration collected for blank audiovisual media and devices shall be allocated for authors, 1/3 for performers and 1/3 for producers of audiovisual works (including broadcasting organizations, for the audiovisual works produced by them).

11. In the accounting documents drawn up for sale of the media and devices referred to in paragraph 5 of this Article, the amount of the compensatory remuneration shall be calculated, singled out and indicated in a separate line and the notes of the issued invoices shall indicate that the person who has acquired the media or devices is entitled to refunding of the compensatory remuneration in the cases set out in paragraph 7 of this Article.

Reprographic Devices:

7. Compensatory remuneration for the subjects referred to in paragraph 3 of this Article shall be collected, distributed and paid, in accordance with the procedure laid down by the Government, by collective management organisations approved by the institution authorised by the Government.

9. After deducting from the collected compensatory remuneration the amount intended to cover collective-management deductions, the remaining amount shall be distributed as follows:

1. 60 per cent shall be allocated to authors, of which: 20 per cent to authors of scientific and technical literature works, 15 per cent to authors of works of fiction and essays, 15 per cent to authors of works of visual art, and 10 per cent to authors of journalistic works (journalists);
2. 20 per cent shall be allocated to book publishers;
3. 20 per cent shall be allocated to publishers of periodical press.

10. In the accounting documents by which the sale of reprographic devices referred to in paragraph 4 of this Article is recorded, the amount of the compensatory remuneration must be calculated, singled out and indicated as a separate line, and when issuing invoices it must be indicated in the notes that the person who has acquired the reprographic devices has the right to have the compensatory remuneration refunded in the cases provided for in paragraph 6 of this Article.

LITHUANIA

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)	Capacity
Smartphones	4.34 11.58	128 Gb/256 Gb > 3 Tb
Tablets	4.34	Per unit
External HD	2.31 4.34 1.44	1 Tb 4 Tb < 512 Gb
SD and Micro SD memory cards	0.58 1.44 2.89	32 Gb 128 Gb > 256 Gb
USB Sticks	0.87 2.02 2.89	64 Gb 256 Gb > 256 Gb
Set top BOX with hard drive	4.34 5.79 7.24 11.58	≤256 Gb >256 Gb > 512 Gb > 3 Tb
Reprographic devices (i.e., devices for text and image copying only)	% on the price of the first sale	
Reprographic equipment: 1. Black and white copiers, scanners	1.8% 1.9%	Low speed (between 12 and 23 pages per minute)
2. Colour copiers and colour printers	2% 2.7% 2.85% 3%	Average speed (between 24 and 45 pages per minute) High speed (between 46 and 90 pages per minute) Low speed (between 12 and 23 pages per minute) Average speed (between 24 and 45 pages per minute) High speed (between 46 and 90 pages per minute)
3. Black and white multifunction copiers, black and white printers	0.6% 0.65% 0.7%	Low speed (between 12 and 23 pages per minute) Average speed (between 24 and 45 pages per minute) High speed (between 46 and 90 pages per minute)
4. Colour multifunction copiers	0.9% 0.95% 1%	Low speed (between 12 and 23 pages per minute) Average speed (between 24 and 45 pages per minute) High speed (between 46 and 90 pages per minute)

LITHUANIA

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TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)	Capacity
Services of reprographic reproduction	EUR per year	
Services provided at libraries, educational institutions or higher education and research institutions or close to educational institutions or higher education and research institutions	17.37 34.75 52.13 81.09 98.47 115.84	Less than 6 copies per minute Between 6 and 19 copies per minute Between 20 and 39 copies per minute Between 40 and 59 copies per minute Between 60 and 89 copies per minute More than 89 copies per minute
Services provided far away from educational institutions or higher education and research institutions	11.58 23.16 37.65 55.02 75.30 92.67	Less than 6 copies per minute Between 6 and 19 copies per minute Between 20 and 39 copies per minute Between 40 and 59 copies per minute Between 60 and 89 copies per minute More than 89 copies per minute
Services provided at locations with no educational institutions or higher education and research institutions	8.68 17.37 26.06 34.75 49.23 57.92	Less than 6 copies per minute Between 6 and 19 copies per minute Between 20 and 39 copies per minute Between 40 and 59 copies per minute Between 60 and 89 copies per minute More than 89 copies per minute
All Other Devices Digital and analogue audio and video player with a memory device and audio and video recording capability: audio cassettes, VCRs, CDs, DVDs, HD-DVD drive, Blu-ray players, home theatre, musical centres, car radio, radio set, MP3 players, MP4 players, HD media players and other players;	0.43 1.01 1.44 2.89 4.34 5.79 7.24	< 2 Gb for 2.1-4 Gb for 4.1-8 Gb for 8.1-16 Gb for 16.1-256 Gb for 256.1-512 Gb for 512.1-768 Gb
PC/Laptops	5.79	Per unit
All types of DVD, CD and Blu-Ray	6% of first sale price	Per unit
TV with a memory device and audio and video recording capability	8.69 10.14 11.58	for 768.1- 1 Tb for 1000.1 Tb-3 Tb > 3 Tb
Gaming consoles	4.34	Per unit

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

LITHUANIA

10/10

REVENUES IN LOCAL CURRENCY

Collection in '000 EUR	2019	2020	2021	2022	2023	2024
Reprographic devices*	90	94	95	107	198	200
Digital devices	5,452	5,088	5,863	4,722	5,491	5,154
Total	**5,542**	**5,183**	**5,958**	**4,830**	**5,689**	**5,355**

*These numbers also include the amounts collected from reprographic services; refunded amounts for export and professional use are not deducted here.

Notes:
In Lithuania, the collected remuneration is first reduced by the earmarked sums for creative-activity and copyright/related-rights protection programmes, after which administrative costs are deducted from the remainder. The net balance is then distributed under law and Government resolution so that, for audio blank media and devices: 1/3 goes to authors (via LATGA), 1/3 to performers (via AGATA), and 1/3 to phonogram producers (via AGATA), while for video blank media and devices, 1/3 goes to authors (via LATGA and AVAKA), 1/3 to performers (via AGATA), and 1/3 to audiovisual producers (via AVAKA), with the relative shares between the audio and video pools set on the basis of social market-research results as specified in the Government resolution.

MOLDOVA

2.423 M **GDP: EUR 16.75 Bn**

CONTACT INFORMATION

COUNTRY	Moldova
CURRENCY	MDL
NAME ORGANIZATION	ASOCIATIA NATIONALA COPYRIGHT
WEB SITE	http://www.copyright.md/
E-MAIL	asociatiacopyright@gmail.com

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Registered with the Ministry of Justice of the Republic of Moldova on 21-09-2004
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	Levies are published by the official gazette of the Republic of Moldova after negotiation between stakeholders (rightsholders and liable). Private copying remuneration is fixed at 0.3%, calculated from the statistical import value or production price excluding VAT.
BENEFICIARIES	Authors and other copyright holders, performers, phonogram producers and audiovisual producers.
OBLIGATIONS OF LIABLE PARTIES	☑ Payment ☑ Disclosure - must provide information on the type and quantity of levied products placed on the market on request ☑ Reporting - must report the type and quantity of imported items
EXEMPTION	Export/professional use.
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

Private copying remuneration is established directly by law and is not subject to negotiation.

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Private copying remuneration is fixed at 0.3%, calculated from the statistical import value or production price excluding VAT. Statistical import value (importers) or production price excluding VAT (producers).

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

No

MOLDOVA

REFURBISHED DEVICES

Private copying remuneration is fixed at 0.3%, calculated from the statistical import value or production price excluding VAT.

EXEMPTION AND REFUND

ARE THERE EXEMPTIONS FROM THE PAYMENT LEVY OBLIGATION?

Exemptions apply directly by law: personal imports, suspensive regimes, professional-use equipment.

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

Devices imported by individuals for personal use

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

The manufacturers and importers, when they put into circulation the equipment or mediums mentioned in paragraph (3) of this Article,

(a) shall inform the collective management organization mentioned in paragraph (10)(a) of this article about the payment of the equitable remuneration, and shall make available to it the necessary documents indicating the number of pieces of equipment and/or mediums manufactured or imported and the identity of the distributors through whom or which they have put the equipment or mediums into circulation.

(b) shall hand over to the distributors through whom or which they put the recording equipment and/or mediums into circulation all the necessary documents proving the fact that the equitable remuneration has been paid to the collective management organization.

(8) The distributors at any point of the distribution chain, including resale units (shops, commercial centers, etc.) who or which are in possession of equipment or mediums mentioned in paragraph (3) for commercial purposes, shall be able to prove, on the basis of valid documents, that the equitable remuneration mentioned in paragraph (1) has been paid for the equipment or mediums concerned. The distributors, at the request of the collective management organization, shall be obligated to make any relevant documents available and to reveal the identity and the contact data of the manufacturer or importer or any physical person or legal entity in the distribution chain from whom or which they received the equipment or mediums.

HOW FREQUENTLY IS PAYMENT DUE?

Linked to quarterly reporting and data transmission cycles

HOW DO YOU MONITOR THE MARKET?

We address the economic agents to provide all the necessary information directly from them.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Customs do not collaborate or report any information relative to private copying unless court ordered to provide such info. ANCO is pursuing in court customs and AGEPI.

Tax authorities are not obliged by law to provide any info and has no intention to act otherwise.

MOLDOVA

COLLECTION PROCESS

ARE EXPORTS EXEMPTED?

Yes

DEFINITION OF IMPORT

Import is the customs regime in which goods imported into the customs territory receive the status of goods released for free circulation only after paying import duties and applying economic policy measures.

WHO IS CONSIDERED IMPORTER?

An importer is a legal entity or person bringing foreign goods into free circulation on the territory of the Republic of Moldova.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Distribution by CMO designated by AGEPI, within its mandate.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

Administrative commissions are subject to a statutory maximum cap of 30%. For rights managed under mandatory or extended collective management, the cumulative commission retained by the designated collecting CMO and beneficiary CMOs may not exceed 30% of the distributed amounts.

FREQUENCY OF DISTRIBUTION

At least once per year, in accordance with approved methodology

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, performers, publishers, phonogram and audiovisual producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

The remuneration should be collected, for all the categories of rightsholders, by a CMO distribution entrusted with these functions by AGEPI the remuneration shall be distributed, after the deduction of the actual expenses incurred in rights management, in the following manner:

- with respect to the reproduction of audiovisual works and videograms: 40% to authors of such works, 30% to performers of such works, and 30% to producers of such works;
- with respect to reproduction of phonograms: 50% to authors whose works are fixed on phonograms, 25% to performers whose performances are fixed on phonograms, 25% to producers of phonograms.

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

ANCO is authorized by AGEPI to distribute the collected remunerations towards rights holders Article 48 (13)b.

DISTRIBUTION PROCESS

DISTRIBUTION KEYS SUBMITTED?

Yes

MOLDOVA

SOCIAL AND CULTURAL FUNDS

No, there are no social and/or cultural deductions

LEGAL BASIS

EXCEPTION AND LEVY

Law No. 230 of July 28, 2022, Copyright and Neighbouring Rights

ARTICLE 56

(1) In the case of reproduction right, the following shall be allowed without the consent of the author or other holder of copyright or related rights, **but with the payment of compensatory remuneration**:

(...)

b) **reproductions on any medium made by a natural person for private use** and for purposes that are **neither directly nor indirectly commercial, in accordance with Article 71**; ...

LEVY

Law No. 230 of July 28, 2022, Copyright and Neighbouring Rights

ARTICLE 71

(1) The compensatory remuneration for the private copy shall be fixed both for the compensation of authors and other rightholders, as well as for performers and producers of audiovisual works, videograms and phonograms, whose works, performances, audiovisual works, videograms and phonograms may be reproduced on any equipment and physical media by a natural person solely for personal use, without seeking any direct or indirect commercial advantage.

(2) The beneficiaries cannot waive the right to compensatory remuneration for the private copy.

(3) The compensatory remuneration referred to in paragraph (1) shall be paid by natural and legal persons who **import or manufacture the equipment and physical media** which may be used to make such reproductions.

(4) The list of equipment and physical media for which compensatory remuneration for private copy is paid, identified in accordance with the **Combined Nomenclature of Goods**, approved by Law No. 172/2014, is set out in the **Annex** to this Law.

(5) The compensatory remuneration for private copy shall be equal to **0.3%** for the equipment and physical media, calculated from:

a) the **statistical value of imported** equipment and physical media – for importers;
b) the **production price** of equipment and physical media, excluding value added tax – for manufacturers.

(6) Compensatory remuneration shall **not** be paid in respect of the equipment and physical media referred to in paragraph (4), if they:

a) are imported by a natural person **exclusively for personal use** within the limits laid down by customs legislation;
b) are placed under a suspensive customs procedure;
c) have a **professional purpose and cannot be used in household conditions**.

MOLDOVA

LEGAL BASIS

LEVY

ARTICLE 72. Compensatory Remuneration for Reprography

(1) The compensatory remuneration for reprography is due for the equipment and physical media designed for making copies and on which reproductions of written or graphically expressed works can be made, regardless of whether the process used is analogue or digital.

(2) The compensatory remuneration referred to in paragraph (1) shall be fixed both for the compensatory remuneration of authors and publishers, whose works and publications may be presumed to have been reproduced in the manner provided for in paragraph (1).

(3) The compensatory remuneration referred to in paragraph (1) shall be paid by:

a) natural and legal persons who import or manufacture the equipment used for reprography;
b) copying centers using the equipment referred to in paragraph (1).

(4) The list of equipment and physical media for which compensatory remuneration is paid, identified in accordance with the Combined Nomenclature of Goods, approved by Law No.172/2014, shall be approved by the Government.

(5) The compensatory remuneration for reprography shall be equal to 1%, calculated from:

a) the statistical value of equipment – for importers;
b) the production price of equipment, excluding value added tax – for manufacturers;
c) the price per page of the copies made – for the subjects referred to in paragraph (3) letter b).

(6) The provisions of Article 71 paragraph (2) and paragraph (6) to (11) shall apply mutatis mutandis, including for users of reprographic equipment specified in paragraph (3) letter b) of this Article.

COLLECTION AND DISTRIBUTION SYSTEMS

Law No. 230 of July 28, 2022, Copyright and Neighbouring Rights

(7) The subjects referred to in paragraph (3) shall pay the compensatory remuneration to the **collective management organization designated with the right to collect** the compensatory remuneration.

(8) Within 15 days of the end of each quarter:

a) **Customs Service** communicates to **AGEPI** the list of importers of equipment and physical media referred to in paragraph (4) imported in the previous quarter, indicating for each importer the identification data (name and IDNO) and the statistical value.

b **Manufacturers** shall communicate to **AGEPI** on the basis of a **self-declaration** the data on the equipment and physical media put up for sale in the previous quarter, with an indication of their production price.

(9) Within 15 days of receipt of the data referred to in paragraph (8) letter a) to b), **AGEPI shall transmit them to the collective management organization designated** with the right to collect the compensatory remuneration.

(10) The collective management organization designated with the right to collect the compensatory remuneration shall **collect** the compensatory remuneration, **distribute it and pay** it in accordance with the conditions laid down in the **methodology** developed pursuant to **Articles 99 to 101**.

(11) **Importers and manufacturers**, who import or, as the case may be, put up for sale equipment and physical media for which compensatory remuneration for private copy is paid, and the collective management organization designated with the right to collect compensatory remuneration shall be **administratively liable** for non-performance or improper performance of its obligations relating to the **payment and distribution** of compensatory remuneration.

MOLDOVA

LEGAL DEVELOPMENTS

The Moldovan legal framework has been recently completed with comprehensive rules on the private copying levy. This levy represents a fee incurred by manufacturers or importers to Moldova of recordable media (such as MP3 Players, PCs, tablets, smartphones, etc).

The newly introduced statutory rules establish a clear mechanism for the calculation and collection of this levy.

The copying levy represents 0.3% of the value of the recordable media manufactured or imported to the Republic of Moldova. This levy is charged on the entities or individuals (i.e. importers or manufacturers) making such devices available to Moldovan customers.

In connection therewith, in October 2023, a methodology regulating the calculation and collection of the private copying levy has entered into force. As per this methodology, information on the entities importing recordable media to Moldova or manufacturing such devices, is delivered to the State Agency for Intellectual Property. Such data is later forwarded to the collecting societies, specially appointed to collect the private copying levy.

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES? AND WHY?

Some distribution agents do not consider that they bear the responsibility of paying levies as obliged by law. ANCO is pressing charges on such agents.

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff unit
Smartphones	0.3% of the resale price
Tablets	0.3% of the resale price
External HD	0.3% of the resale price
SD and Micro SD memory cards	0.3% of the resale price
USB Sticks	0.3% of the resale price
Reprographic devices (i.e., devices for text and image copying only) copiers; printers; scanners; fax machines; telecopiers; A4 paper, regardless of weight.	1% of the resale price
All Other Devices	0.3% of the resale price

REVENUES IN LOCAL CURRENCY

Collection in '000 MDL	2019	2020	2021	2022	2023	2024
Reprographic devices	520	610	720	850	920	1,050
Digital devices	1,450	1,680	2,100	2,450	2,980	3,250
Total	**1,970**	**2,290**	**2,820**	**3,300**	**3,900**	**4,300**

Notes: Before 2017, there had been no collections, since the system as a whole was not functioning. In 2017 ANCO started working in private copying direction requesting from the economic agents their levies collection, as suggested by the law, however, all the agents repudiate such collections. Only 2 agents agreed to a truce and pay out the levies. ANCO is pressing the charges against the remaining agents.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

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NETHERLANDS

17.943 M GDP: EUR 1,134.12 Bn

CONTACT INFORMATION

COUNTRY	Netherlands
CURRENCY	EUR
NAME ORGANIZATION	Stichting de Thuiskopie
WEB SITE	www.thuiskopie.nl
E-MAIL	info@thuiskopie.nl

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Appointed by the Minister of Justice by Royal decree.
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: No
TARIFFS	Yes
BENEFICIARIES	Authors, performers, publishers, producers and broadcasters. In general, all right owners with regards to literary, artistic, educational and scientific works.
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	☑ Payment ☑ Disclosure - must provide information on the type and quantity of levied products placed on the market on request ☑ Reporting - must report the type and quantity of imported items ☑ Auditing
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By Law (or other legal instrument), by official procedure involving CMOs and debtors, and by negotiation. Levies correspond to the actual number of copies made (from empirical study).

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Estimation of the harm caused. A market survey on consumer copying behaviour is commissioned yearly. Other criteria are the tariffs in other European countries, the relation to the sales price of the product, acceptability by the public and the wish to avoid major administrative costs for the industry.

NETHERLANDS

RATE SETTING

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

Regularly; in principal tariffs are set for 2 or 3 years unless adaptations are necessary because of legal developments.

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

No, but it is used.

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY?

Yes; refurbishers are obliged to pay the levy.

DO LEVIES FOR REFURBISHED DEVICES DIFFER FROM LEVIES FROM NEW DEVICES?

Yes, 60% of the tariff for new devices

EXEMPTION AND REFUND

ARE THERE EXEMPTIONS FROM THE PAYMENT LEVY OBLIGATION?

Exemptions apply for exports and for professional use.

EXEMPTION (EX-ANTE)?

If the importer signs a collection agreement with Thuiskopie it is possible to deliver levy-free to professional users and/or after contractors under certain conditions.

REFUND/REIMBURSEMENT (EX-POST)?

The request for a refund must be submitted within six months of the purchase date or export date. For professional use the request should be accompanied with purchase invoices (evidence that device is purchased levy included), sales invoice (evidence that device is sold to professional user and not to a reseller/consumer). For export it should be accompanied with a purchase invoice (evidence that device is purchased levy included) and export documents (evidence of export/sales invoices and shipping documents/proof of export).

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of individual industry debtors to report and pay

HOW FREQUENTLY IS PAYMENT DUE?

By law parties are obligated to pay immediately upon import/manufacturing.

Parties that have a collection agreement can report and pay monthly for the devices brought upon the Dutch market.

HOW DO YOU MONITOR THE MARKET?

We are using market information (sales data) from NiQ (GfK) and an annual market survey made by Verian (f.k.a. Kantar Public).

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

We receive information from customs authorities but only regarding devices which are imported from outside the EU.

NETHERLANDS

COLLECTION PROCESS

ARE EXPORTS EXEMPTED?

Yes

WHO IS CONSIDERED IMPORTER?

The first commercial seller on the Dutch market is to be considered the importer.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Text: Lira, Norma and PRO

Image: Pictoright and PRO

Music: Lira, Stemra, Norma and STAP

Audiovisual works: Lira, Stemra, Vevam, Norma, SEKAM Video and SCGO

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

A maximum of 15% in the entire distribution chain. Thuiskopie and the CMO's are jointly not allowed to exceed this maximum percentage.

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

5 years by governmental decree

FREQUENCY OF DISTRIBUTION

Half yearly

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors

Publishers

Performers

Producers

Broadcast organisations

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Free negotiation based on empirical study data fixed by CMO

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Automatic/periodic distributions through CMOs

DISTRIBUTION KEYS SUBMITTED?

Yes

SOCIAL AND CULTURAL FUNDS

There are no Social and/or Cultural deductions.

NETHERLANDS

LEGAL BASIS

EXCEPTION AND LEVY

Art. 16 Copyright Act of 1912

1. It shall not be regarded as an infringement of copyright in a work of literature, science or art to reproduce the work, or part of it, onto an object intended to render, display or play a work, provided the reproduction is made without any direct or indirect commercial objective and is intended solely for the personal exercise, study or use of the natural person who makes the reproduction.

2. For the reproduction referred to in paragraph 1, an equitable remuneration is owed to the author or his successors in title. The obligation to pay the remuneration rests with the manufacturer or the importer of the objects referred to in paragraph 1.

3. For the manufacturer, the obligation to pay the remuneration arises when the objects produced by him can be placed on the market. For the importer, the obligation arises at the time of import.

4. The obligation to pay the remuneration lapses if the person liable under paragraph 2 exports an object as referred to in paragraph 1
.
5. The remuneration is due only once per object.

6. By general administrative order, further rules may be laid down concerning the objects in respect of which the remuneration referred to in paragraph 2 is owed. By general administrative order, further rules and conditions may also be laid down for the implementation of this Article, with regard to the amount, chargeability, and form of the equitable remuneration.

7. Where a reproduction permitted under this Article has been made, objects as referred to in paragraph 1 may not be delivered to third parties without the author's consent, unless delivery is made for the purposes of judicial or administrative proceedings.

8. This Article does not apply to the reproduction of an electronically accessible database within the meaning of Article 10(3).

COLLECTION AND DISTRIBUTION SYSTEMS

Article 16d Copyright Act of 1912

1. Payment of the remuneration referred to in Article 16c shall be made to a legal person to be designated by Our Minister of Justice, which in his opinion is representative, and which shall be charged, to the exclusion of others, with the collection and distribution of this remuneration in accordance with a regulation drawn up by that legal person and approved by the Supervisory Board referred to in the Supervision of Collective Management Organisations Act. In matters concerning the collection and remuneration, this legal person represents the authors or their successors in and out of court.

2. The legal person referred to in paragraph 1 shall be subject to supervision by the Supervisory Board referred to in the Supervision of Collective Management Organisations Act.

Article 16e Copyright Act of 1912

The amount of the remuneration referred to in Article 16c shall be determined by a foundation to be designated by Our Minister of Justice, whose board is composed in such a way that the interests of authors or their successors and of those liable to pay under Article 16c(2) are balanced. The chair of the board of this foundation shall be appointed by Our Minister of Justice.

NETHERLANDS

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

Article 16 f Copyright Act of 1912

The person who is obliged to pay the remuneration referred to in Article 16c must immediately, or within a period agreed with the legal person referred to in Article 16d(1), report to that legal person the number of the objects referred to in Article 16c(1) that he has imported or manufactured. He is also obliged, at that legal person's request, to grant immediate inspection of the documents necessary for determining whether the remuneration is due and the amount thereof.

ORGANIZATIONS

Appointed by the Minister of Justice by Royal decree.

LEGAL DEVELOPMENTS

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES?

Some deny payment for a certain period; this is subject of current court cases.

COURT CASES

There are some refurbishers/resellers who claim that they aren't liable for the levy because:

1. The levy has already been paid for a new device and shouldn't be paid again when the device is refurbished;
2. They haven't done anything with the device other than cleaning it, thus making it a "second-hand device";
3. They bought it "not ready" for sale and resold it "not ready" for sale, someone else has made it useable for consumers.

Several big producers/sellers of leviable devices have contested the Stichting Onderhandelingen Thuiskopievergoeding (SONT; Foundation for Private Copying Levy Negotiations) decision including offline streaming copies in court, and the case is now pending at the EU Court of Justice (C-496/24 Stichting de Thuiskopie).

Arguments of plaintiffs:

- Offline streaming copies are covered under the licensing agreement between streaming providers and right owners
- Right owners are thus able to exercise full control of the use of their works through streaming providers, subject to their exclusive reproduction right
- Right owners already receive payment for offline use of their works from the streaming providers
- Streaming providers have a commercial purpose with the (licensed) offering of works for offline streaming, therefore offline streaming copies cannot be considered private copies under the exemption
- Bringing offline streaming copies under the exemption would be contrary to the 3-Step Test of art. 5.5 CD: permitting offline streaming copies belongs to the normal exploitation by the rightowner, for which he is able to request remuneration directly from the provider

NETHERLANDS

COURT CASES

Counter arguments Thuiskopie and SONT:

- Offline streaming copies fit within the definition of 'Private Copying' from article 5.2b Infosoc Directive, as fully implemented in Dutch law
- In practice, right owners don't receive (separate) payment for the reproduction of their work in the context of offline streaming
- Bringing offline streaming copies under the exemption is the only way to assure that right owners receive fair compensation for these uses
- Doing otherwise would be contrary to the objectives of Dir. 2001/29 (a.o. principle of high level of protection of right owners, technology neutral application)
- Users making offline streaming copies don't have a commercial purpose. The fact that platforms offering these services DO have a commercial purpose is not relevant according to ECJ case law

EXPLANATION ON DEVELOPMENTS

After the judgement from the Court of appeals in the offline streaming copies case, the SONT has decided to lower the tariffs as to exclude these copies pending judgement of the Supreme Court. This results in a lower collection as of 2023.
The biggest impact can be seen in the tariffs set for smartphones. In 2022 the tariff was € 7,30, and in 2023 it was lowered to € 5,30.

There is an ongoing process of broad re-assessment of the current tariffs underway within SONT. An empirical study has been commissioned by SONT as to the (consumption) value of different categories of works. In parallel, independent advice has been commissioned by Thuiskopie regarding re-assessment of the distribution keys.

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)
Smartphones	5.30
Tablets	2.60
External HD	0.80
USB Sticks	0.40
Other: refurbished or remanufactured goods	60% of the tariff for new devices
All Other Devices Wearables (with storage capacity)	0.40

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

NETHERLANDS

7/7

REVENUES IN LOCAL CURRENCY

Collection in '000 Euro	2019	2020	2021	2022	2023	2024
Digital devices	31,603	32,598	41,807	43,699	31,100	32,787
Total	**31,603**	**32,598**	**41,807**	**43,699**	**31,100**	**32,787**

Percentage distributed	2019	2020	2021	2022	2023	2024
Text Works	13.75%	13.75%	13.75%	13.75%	13.75%	13.75%
Image Works	8.50%	8.50%	8.50%	8.50%	8.50%	8.50%
Musical Works	32.30%	32.30%	32.30%	32.30%	32.30%	32.30%
Audiovisual Works	45.45%	45.45%	45.45%	45.45%	45.45%	45.45%

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

D

NORWAY

5.585 M GDP: EUR 447.11 Bn

CONTACT INFORMATION

COUNTRY	Norway
CURRENCY	NOK
NAME ORGANIZATION	Norwaco
WEB SITE	www.norwaco.no
E-MAIL	norwaco@norwaco.no

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Ministry of Culture
EXCEPTION	Yes
LEVY	Equipment: No Media: No Cloud Storage: No NPVR: No Reprography: No
TARIFFS	No levy system. State funded annual grant for audio, audiovisual, literary and visual works Two separate grants; 1) Individual compensation scheme: through Norwaco, to be distributed individually to right holders that have had their works subject to private copying. 2) Collective compensation scheme: through the Norwegian Audio and Visual Fund, provides grants for the production and dissemination of sound and film recordings. Compensation from the fund are distributed for the benefit of rights holders in music, stage and film.
BENEFICIARIES	Authors, performers and producers
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

Unilaterally determined by the Ministry of Culture, claiming that the level of compensation is in line with the levels in other Nordic countries.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Annually, through the State Budget

HOW FREQUENTLY IS PAYMENT DUE?

Annually

NORWAY

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Text: Norwaco and Kopinor
Image: Norwaco and Kopinor
Music: Norwaco
Audiovisual works: Norwaco
Videoclips: Norwaco
Audiobooks: Norwaco

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No fixed percentage, but only allowed to deduct for actual costs tied to the distribution of the compensation.

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

No

FREQUENCY OF DISTRIBUTION

Annually

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors
Publishers
Performers
Producer
Note: Author-Publisher split determined by CMOs, Publishers receive compensation as producers of audiobooks.

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Free negotiation
Fixed by legislator
Mediation/arbitration

The individual scheme: Norwaco performs an annual statistical survey on the scope of private copying, providing information about the extent of copying, types of works subject to copying and proportionality between different types of works, country of production of works, etc. The data from the survey serve as the basis for internal processes resulting in the final distribution to domestic and foreign right holders. The collective scheme: Application-based distribution.

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Automatic/periodic distributions through CMOs

DISTRIBUTION KEYS SUBMITTED?

Yes; A dynamic % based on scope of annual copying of the total compensation is dedicated to private copying of text and images. Of the remaining compensation, 1/3 is directed to authors, performers and producers respectively.

Types of works, length, work-contribution are all relevant in the more detailed scheme of distribution to right holder groups.

SOCIAL AND CULTURAL FUNDS

No, there are no social and/or cultural deductions.

NORWAY

LEGAL BASIS

EXCEPTION AND LEVY

Section 26 of the Intellectual Property Act (Act No. 40 of June 15, 2018 on Copyright for Intellectual Property, amended up to September 1, 2021)

See also https://lovdata.no/dokument/NL/lov/2018-06-15-40

Section 26. Copying for private use

§1. When it does not occur for commercial purposes and not on the basis of a work that has been reproduced in violation of this Act, individual copies of a published work may be made for private use. Such copies must not be used for any other purpose.

§5. For the copying of copies under the first paragraph, the authors are given reasonable compensation through annual appropriations from the State budget. The Ministry may by regulation lay down more detailed rules on the distribution of the compensation.

COLLECTION AND DISTRIBUTION SYSTEMS

Section 26. Copying for private use

§5. For the copying of copies under the first paragraph, the authors are given reasonable compensation through annual appropriations from the State budget. The Ministry may by regulation lay down more detailed rules on the distribution of the compensation.

LEGAL DEVELOPMENTS

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES? AND WHY?

The Ministry of Culture have informed of a pending review of the Norwegian private copying scheme, hereunder the extent of copying and the harm caused by such private copying. The review was announced in 2020, but as of January 1st, 2026 it has not been carried out yet and no official date has been set for the review.

EXPLANATION ON DEVELOPMENTS

Increase due to rise in Consumer Price Index

REVENUES IN LOCAL CURRENCY

State Budget does not differentiate tariffs based on digital media.

Collection in '000 NOK	2019	2020	2021	2022	2023	2024	2025
Total State Budget	49,170	50,500	51,660	53,000	55,766	58,090	60, 300

POLAND

36.621 M **GDP: EUR 839.8 Bn**

CONTACT INFORMATION

COUNTRY	Poland	
CURRENCY	PLN	
NAME ORGANIZATION	Stowarzyszenie Autorów i Wydawców COPYRIGHT POLSKA	Stowarzyszenie Autorów ZAiKS
WEB SITE	https://www.copyrightpolska.pl/	https://zaiks.org.pl/
E-MAIL	biuro@copyrightpolska.pl	zaiks@zaiks.org.pl

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Stowarzyszenie Autorów ZAiKS – authors Stowarzyszenie Artystów Wykonawców Utworów Muzycznych i Słowno-Muzycznych SAWP – performing artists Związek Producentów Audio-Video ZPAV– producers of phonograms and videograms Stowarzyszenie Autorów i Wydawców COPYRIGHT POLSKA - publishers KOPIPOL - authors (text sector)
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	Yes, tariffs are used; a fee is a percentage (up to 3%) of the sale price of the equipment or carrier.
BENEFICIARIES	Creators, performing authors, producers of phonograms and videograms, publishers.
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	☑ Payment ☑ Disclosure - must provide information/documents on the type and quantity and value of levied products placed on the market on request ☑ Reporting - must report the type and quantity and value of imported items
EXEMPTION	Yes
SOCIAL AND CULTURAL DEDUCTIONS	Yes; the deductions are not determined by the law but are enacted by the State, and are made in accordance with the statutes of the society/CMO.

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By law (or other legal instrument)

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

The ability of a device or carrier to be used for reproducing works, and its intended use to perform functions other than reproducing works.

POLAND

RATE SETTING

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

At irregular intervals. The applicable law (Art. 20.5 of the Copyright Act) does not specify the interval at which the list of levied devices and rates must be updated.

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

No

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY?

Yes

DO LEVIES FOR REFURBISHED DEVICES DIFFER FROM LEVIES FROM NEW DEVICES?

The same tariffs apply as to new media and devices.

EXEMPTION AND REFUND

ARE THERE EXEMPTION FROM THE PAYMENT LEVY OBLIGATION?

Yes, in case of export and in text and image levies in case of professional use - the exemption by tariff setting mechanism for large-format devices

ARE THERE EXEMPTIONS FROM THE LEVY PAYMENT OBLIGATION IN CASE OF PROFESSIONAL USE?

The applicable regulation simultaneously sets a special tariff of 1.00% of the selling price and a levy cap of 100 PLN on large-format devices (copiers, printers and multi functionals), i.e. devices capable of making reproductions on sheets of paper larger than the A3 format. The rationale for setting this type of tariff is that such devices are not normally used for making reproduction by private users; instead, large-format devices are used almost exclusively for professional purposes. The objective of setting the tariff cap at 100 PLN (applicable if the price of the device exceeds 10,000 PLN) was to prevent buyers of expensive professional devices from incurring unjustified costs.

EXEMPTION EX-ANTE?

An ex-ante exemption applies when a levied device or carrier is sold to a party with a registered seat outside Poland.

REFUND/REIMBURSEMENT (EX-POST)?

The legal basis for refunds is found in Article 410.2 of the Civil Code. As far as copyright levies are concerned, a refund may be claimed whenever a levy was paid unduly, regardless of the reason that the undue payment was made. There is therefore no specific refund scheme provided in the copyright system itslelf because the general Civil Code rules apply and the exemptions for the professional use and the exemption ex-ante exist and are applied.

COLLECTION PROCESS

HOW DO YOU MONITOR THE MARKET?

Importers and manufacturers are legally obliged to submit quarterly reports specifying the category and value of devices and media sold. The collecting organisations are additionally authorised to request that the liable parties provide information and access to documents necessary to determine the amount of fees. New liable entities are identified mainly through research carried out by the CMOs. Non-compliant parties are informed of obligations, and, if an amicable resolution cannot be reached, a civil claim is filed

POLAND

COLLECTION PROCESS

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Until 2017, the customs authority used to provide data on individual importers to collective management organisations upon request. Following a 2017 revision of the regulations relating to fiscal and statistical confidentiality, the authority has refused to share this type of information with CMOs. The current situation calls for a change in the practices of the authority or in the applicable regulations.

ARE EXPORTS EXEMPTED?

Yes

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Text: Copyright Polska (publishers), KOPIPOL (authors)

Image: Copyright Polska (publishers), KOPIPOL (authors)

Music: SAWP (performers), ZAIKS (authors), ZPAV (producers)

Audiovisual works: SFP-ZAPA (authors), ZASP (performers), ZPAV(producers)

Videoclips: not applicable

Audiobooks: not applicable

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Yes,
Time limits as stipulated in the Act of 15 June 2018 on the Collective Management of Copyright and Related Rights: Article 39.2. "A collective management organisation distributes and pays rights revenue within time limits specified in the distribution regulations referred to in Article19.4, but not later than within 9 months from the end of the financial year it was collected."
Article 42.2. "The distribution and payment of rights revenue under a representation agreement is made without delay, but not later than within 9 months from the end of the financial year in which it was collected, unless it is not possible to meet this time limit due to objective reasons, in particular relating to the non-communication of information necessary to make the distribution or payment by users or a party to the representation agreement."
Article 43. "The provisions of subchapter 2 shall apply to the management of rights revenue received under a representation agreement, with the stipulation that the time limit referred to in Article 39.2 is 6 months from the day on which the collective management organisation received this revenue."

FREQUENCY OF DISTRIBUTION

Set by law by means of a maximum time limit to distribute PC remuneration after their collection.

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors

Publishers

Performers

Producers

POLAND

DISTRIBUTION PROCESS

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Based on empirical study data
Fixed by legislator
Fixed by CMO

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Stowarzyszenie Autorów i Wydawców (Association of Authors and Publishers) COPYRIGHT POLSKA (CP) distributes fair compensations directly to book publishers in Poland, which must prove that they have copyrights in a given base year. Basing on detailed copying surveys (in a wide statistical study conducted by the leading Polish public opinion research agency) and on data from the National Library CP assigns publishing categories to the rightholders' submissions, which are then compensated accordingly. All remunerations are allocated and transferred in total to a vast majority of Polish publishing houses, representing 97-98% of the Polish book market in turnover. The remunerations for press publishers are distributed via a press journalists and publishers RRO Repropol. On the basis of bilateral agreements with Foreign CMOs foreign publishers are remunerated and approx. 1% of the gross collections is waiting to be transferred after concluding addtional agreements with CMOs worldwide.

ZAiKS makes automatic and periodic distributions of PCLs.

DISTRIBUTION KEYS SUBMITTED?

Yes

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL/CULTURAL DEDUCTION ON LEVIES?

Yes

HOW IS THE AMOUNT/PERCENTAGE OF SOCIAL AND/OR CULTURAL DEDUCTIONS DETERMINED?

Amount/percentage imposed by CMO

WHAT IS THE PURPOSE OF THE DEDUCTION AND WHO CAN BENEFIT?

For the purposes of social, cultural or educational activity pursued by the collective management organisation (Article 36.4 of the Act on the Collective Management and Related Rights of 15 June 2018).

LEGAL BASIS

EXCEPTION AND LEVY

Article 23 of the Act of 4 February 1994 on Copyright and Related Rights

1. Without the author's permission it is permitted, free of charge, to use a work that has already been disseminated within the scope of one's own personal use. This provision does not authorize constructing according to another person's architectural or architectural-urban work, nor the use of electronic databases that meet the characteristics of a work, unless this concerns one's own scientific use not connected with a profit-making purpose.

2. The scope of personal use includes the use of single copies of works by a circle of persons remaining in a personal relationship, in particular kinship, affinity, or social companionship.

POLAND

LEGAL BASIS

LEVY ONLY

Article 20 of the Act of 4 February 1994 on Copyright and Related rights

1. Producers and importers of:
    1. tape recorders, video recorders and other similar devices,
    2. photocopiers, scanners, and other similar reprographic devices enabling the obtaining of copies of all or part of a copy of a published work,
    3. blank media used to fix, within the scope of personal use, works or subject matter of related rights using the devices listed in points 1 and 2,

    — are obliged to pay, to organisations for the collective management of copyright or related rights designated in accordance with paragraph 5 and acting on behalf of authors, performers, phonogram and videogram producers, and publishers, fees not exceeding 3% of the amount due from the sale of those devices and media.

2. From the amount obtained from the fees on the sale of tape recorders and similar devices and the blank media linked to them, there shall accrue: 50% to authors; 25% to performers; 25% to phonogram producers.

3. From the amount obtained from the fees on the sale of video recorders and similar devices and the blank media linked to them, there shall accrue: 35% to authors; 25% to performers; 40% to videogram producers.

4. From the amount obtained from the fees on the sale of reprographic devices and the blank media linked to them, there shall accrue: 50% to authors; 50% to publishers.

5. The minister competent for culture and national heritage protection, after seeking the opinions of organisations for collective management of copyright or related rights, associations of authors, performers, organisations of phonogram and videogram producers and of publishers, as well as organisations of producers orimporters of the devices and blank media listed in paragraph 1, shall by regulation determine: the categories of devices and media and the amount of the fees referred to in paragraph 1 (having regard to the device's and medium's capacity to reproduce works as well as their destination for functions other than reproduction), the manner of collection and distribution of the fees, and the collecting society(ies) authorised to collect them.

COLLECTION AND DISTRIBUTION SYSTEMS

Regulation of the Minister of Culture dated 2 June 2003 on the specification of the category of equipment and carriers used for the fixation of works and fees paid in respect of the sale of such equipment and carriers by producers and importers https://www.wipo.int/wipolex/en/legislation/details/12799

LEGAL DEVELOPMENTS

The Polish levy system was designed over 20 years ago as comprising two discrete sectors:

- the audiovisual sector
- the text-and-image sector

No levies are collected for the benefit of the text-and-image sector from digital devices and media that are already levied for the benefit of the audiovisual sector, e.g. flash drives, computer hard drives, etc.
Text-and-image levies are collected only from manufacturers and importers of reprographic devices (printers, copiers, etc.) and of A3 and A4 paper. Accordingly, levies collected from the devices and media listed in Appendix 3 are distributed only to text-and-image rightsholders, while levies collected from the devices and media listed in Appendices 1 and 2 are distributed only to rightsholders in the

POLAND

LEGAL DEVELOPMENTS

audiovisual sector. The lists of levied devices and media are not interoperable, even if – as a matter of fact – at least some of the levied devices and media may be used to copy works of more than one kind.

In 2025, the Polish Ministry of Culture proposed draft legislation introducing private copying levies for smartphones, tablets, portable computers and TV sets with discs or recording functions in the amount of 1% of the resale price. As of this publication, the legislative draft is still under consideration.

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES? AND WHY?

Some of the producers and importers

COURT CASES

Several court cases referring directly to the lack of modernization of the list of media and devices were brought in recent years.
In September 2023 in the first instance judgment in the case brought by SAWP, the court found, that in order to classify a device as reprographic, the decisive factor is the possibility of making copies of a published work with its help and that it is incorrect to only charge the devices that are literally listed in the Ordinance of the Minister.

Recently, in February 2025 in the case brought by SFP, the court of first instance found in the interlocutory judgment that the claim was justified in principle and that the Polish legislator had breached the obligations arising from Article 5(2)(b) of Directive 2001/29/EC, i.e. the compensation system it established was a denial of the required features of such a system resulting from the case law of the CJEU.

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff % of sales price	Capacity
Smartphones	No tariff	-
Tablets	No tariff	-
External HD	No tariff	-
SD and Micro SD memory cards	0.47%	-
USB Sticks	0.47%	-
Set top BOX with hard drive	0.87% of the sales price	≤256 Gb
	0.87% of the sales price	>256 Gb
Reprographic devices (i.e., devices for text and image copying only)		
Single function copier	3%	-
Flatbed scanner	3%	-
Other types of scanners	2%	-
Thermal transfer fax	1%	-
Plain-paper fax with sheet-feed scanner	1.5%	-
Plain-paper fax with flatbed scanner	2%	-
Inkjet and laser printer	1.5%	-

POLAND

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff % of sales price	Capacity
Reprographic devices (i.e., devices for text and image copying only)		
Multifunctional device including scanner and copier, without other functions	3%	-
Multifunctional device including scanner and copier and other functions	2.8%	-
Multifunctional device including scanner and copier, with other functions unblocked on demand	2.9%	-
Copier, printer or multifunctional device capable of making reproductions on sheets of paper larger than the A3 format	1%, but max. 100 PLN	-
A3 and A4 paper	1.25%	-
Other: refurbished or remanufactured goods	The same tariffs apply as to new devices and media.	
All Other Devices Single-function MP3 player	3%	-

Notes:
The full tariff list (Ordinance of The Minister of Culture dated 2 June 2003 on the specification of the category of equipment and carriers used for the fixation of works and fees paid in respect of the sale of such equipment and carriers by producers and importers) may be downloaded from: https://www.wipo.int/wipolex/en/legislation/details/12799

REVENUES IN LOCAL CURRENCY

Collection in '000 PLN	2019	2020	2021	2022	2023	2024
Reprographic devices KOPIPOL (for authors) SAiW Copyright Polska (for publishers)	20,558	21,386	24,045	29,364	30,705	28,859
Blank carriers (AV and audio media) ZAiKS (for authors); SAWP (for performers); ZPAV (for phonogram and videogram producers)	6,213	6,945	8,212	7,612	7,970	6,970
Total	**26,771**	**28,331**	**32,257**	**36,976**	**38,675**	**35,829**

Notes:
Please note that the following devices are not levied in Poland at all: smartphones, tablets, E-readers.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

PORTUGAL

10.671 M **GDP: EUR 285.189 Bn**

CONTACT INFORMATION

COUNTRY	Portugal
CURRENCY	EUR
NAME ORGANIZATION	AGECOP
WEB SITE	www.agecop.pt
E-MAIL	geral@agecop.pt

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	The incorporation of AGECOP was mandatory and was made in 1998. Members are all collecting societies existing in Portugal and representing authors, artists and performers, publishers and music and video producers.
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Reprography: Yes
TARIFFS	Yes
BENEFICIARIES	authors, artists and performers, publishers and music and video producers
LIABLE	Importers, manufacturers, traders or others
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	Yes; 20%

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By law

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

The equitable compensation is applied according to the type and storage capacity of each device as defined in the table attached to the Private Copying Law. The equitable compensation is also applied on sales of photocopies of protected works (3% of the sales price). In both cases the equitable compensation is included in the sale price before application of VAT.

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

Regularly

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

No

PORTUGAL

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY?

Yes

IF YES, ARE REFURBISHERS OBLIGED TO PAY THE LEVY?

No

DO LEVIES FOR REFURBISHED DEVICES DIFFER FROM LEVIES FROM NEW DEVICES?

No

EXEMPTION AND REFUND

ARE THERE EXEMPTIONS FOR THE LEVY PAYMENT OBLIGATION?

Yes, in case of export, not in case of professional use.

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

Exemption from private-copying compensation applies to natural/legal persons (public or private) when devices/media are used for:

(a) own audiovisual/phono-videogram productions;
(b) supporting disabled persons;
(c) safeguarding movable cultural heritage;
(d) the author's professional work (e.g., photographers, designers, architects, engineers);
(e) medical, defense, judicial, homeland-security or scientific-research purposes;
(f) company-used devices strictly for automated document/data management that don't reproduce protected works and aren't available for individual use.

EXEMPTION (EX-ANTE)?

To get an ex-ante exemption, buyers must: (1) apply to AGECOP before purchase for a declaration proving the intended use fits an Article 4(1) exemption (with evidence) and (2) show the AGECOP declaration at checkout. If AGECOP doesn't issue or reasonably refuse within 15 days, the buyer may present proof of the request at purchase to obtain the exemption.

REFUND/REIMBURSEMENT (EX-POST)?

Refunds in Portugal apply only to exports and require timely proof of export by the first buyer in Portugal. AGECOP refunds only the importer/manufacturer via offsets in their quarterly report, reflecting credits issued to that first buyer for AGECOP-approved amounts.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Importers and manufacturers are obliged to collect equitable compensation when the first sale of the products subject to the law of private copying takes place on Portuguese territory. They must report quarterly the number of units sold of equipment and support and storage devices; respective storage capacity and equitable compensation collected in such sales.

The sellers of photocopies have to report once a year the number of photocopies and sale price before VAT.

PORTUGAL

COLLECTION PROCESS

HOW FREQUENTLY IS PAYMENT DUE?

The collection and delivery of the amounts received is up to the manufacturers established on Portuguese soil, as well as to importers. The referred payment shall be made every three months to a bank account in favor of the managing entity (AGECOP).
The equitable compensation for photocopies is due once a year.

HOW DO YOU MONITOR THE MARKET?

Importers and manufacturers are obliged to report quarterly the number of units sold of equipment and support and storage devices; respective storage capacity and equitable compensation collected in such sales.
In addition, they have to report data concerning exports and exemptions for professional uses. All the data has to be reported to AGECOP and also to the General Inspection of Cultural Activities, a body of the Ministry of Culture. Also, the public and private entities that sell photocopies are obliged to report the number of copies of works made each year.

AGECOP can audit the accounts of all importers and manufacturers covered by this Law. We also have such powers over public and private entities that have entered into contracts to pay equitable compensation over the selling price of photocopies. All administrative and police authorities are competent to supervise the compliance with private copy legal regulations.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

AGECOP does not have any collaboration with tax authorities/customs.

ARE EXPORTS EXEMPTED?

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

WHO IS CONSIDERED IMPORTER?

The importer is the one that purchases abroad and sells in national territory.

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES?

Yes, for the payment of equitable compensation

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

As the members of AGECOP can only be collecting societies, distribution to rights holders is made by them.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

The operating costs of AGECOP shall not exceed 20% of the total revenue obtained from the collection of equitable compensation.

FREQUENCY OF DISTRIBUTION

2 times per year

WHICH RIGHTSHOLDERS ARE INCLUDED?

All those who are represented by AGECOP or by its associates

PORTUGAL

DISTRIBUTION PROCESS

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Distribution schemes are set in the Law. As the members of AGECOP can only be collecting societies, distribution to rights holders is made by them. AGECOP, by legal imposition, has two Departments: The Graphic and Reprographic Copy Department and the Phonographic and Video graphic Copy Department

DISTRIBUTION KEYS

AGECOP distributes as follows:

Compensations to the Phonographic and Video graphic Copy Department –
40% for collecting societies representing authors.
30% for collecting societies representing artists and performers.
30% for collecting societies representing music and video producers.

Compensations to the Graphic and Reprographic Copy Department –
50% for collecting societies representing authors and
50% for collecting societies representing publishers

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

Yes, the law establishes an obligation to retain 20% of the total amounts collected for collective purposes.

WHAT IS THE PURPOSE OF THE DEDUCTION AND WHO CAN BENEFIT?

The amounts are allocated to promote cultural activities and to investigation and public awareness of copyright and neighbouring rights.

LEGAL BASIS

EXCEPTION AND LEVY

Code of Copyright and Related Rights — approved by Decree-Law No. 63/85 of 14 March 1985 (amended up to Decree -Law No. 9/2021 of January 29, 2021)

Article 81

Reproduction is permitted … b) for exclusively private use, provided it does not conflict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it may not be used for any public communication purposes or for commercialization. (exception)

LEVY

Article 82

1 — The retail price of any mechanical, chemical, electrical, electronic or other devices that allow the fixation and reproduction of works, as well as of any tangible media for such fixations and reproductions, shall include an amount intended to benefit authors, performers, publishers and phonogram and videogram producers. …

3 — Paragraph 1 does not apply where the devices and media are acquired by audiovisual broadcasters or producers of phonograms and videograms exclusively for their own productions, or by organizations that use them exclusively to assist persons with visual or hearing disabilities.

PORTUGAL

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

Articles 5 to 7 Law No. 62/98 of 1 September, as amended by Law No. 50/2004, Law No. 49/2015, Decree-Law No. 100/2017, and Law No. 2/2020

Article 5 – Collection

1. Liability for payment of the equitable compensation (…) lies with the first acquirer of the devices and media on national territory (… not intended for export or re-export).

2. Liability for charging, collecting and remitting the compensation to the managing entity referred to in Article 6 lies with manufacturers established in Portugal and with importers.

3. The amounts (…) must be paid quarterly, by deposit into a bank account in favour of the managing entity (…).

4. (…) agreements shall be concluded between the parties concerned to regulate how the obligations set out in this Law are to be fulfilled.

5. Manufacturers and importers shall report, every six months, to the Inspectorate-General for Cultural Activities and to the managing entity (…):

a) the quantities of devices and media whose price includes the compensation;
b) the sale price of those devices and media;
c) the total compensation collected.

Article 6 – Managing entity

1. The collection, management and distribution of the equitable compensation (…) is entrusted to AGECOP — Associação para a Gestão da Cópia Privada (the managing entity), a non-profit association formed by collective-management organizations representing authors, performers, phonogram and videogram producers, and publishers.

2. The statutes of the managing entity shall regulate, among other matters: (…) methods for collecting the compensation; criteria for apportioning compensation among members (including distribution to non-members presumed represented); (…) two autonomous departments for receipts relating to (i) audio/audiovisual and (ii) text/publishing repertoires (…).

3. In setting the criteria (…) the following shall be weighed: representativeness, results of studies on what is copied and copying habits, use of technological protection measures, and contract-authorised access (…).

4. The managing entity shall admit representative CMOs that apply (…) ensuring equality, representativeness, pluralism and participation.

5. Disputes arising therefrom shall be resolved by mandatory arbitration (…).

6. Operating costs may not exceed 20% of total compensation revenue.

7. The managing entity shall publish annually on its website the amounts distributed to each associate and the studies referred to above.

8. Its associates shall publish annually the total amounts distributed to beneficiaries and the criteria applied.

9. The managing entity may enter into agreements with public or private users of recording/reproduction equipment (…).

10–12. (… transparency, audit by statutory auditor, adaptation to CMO-framework law …).

PORTUGAL

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

Article 7 – Allocation

1. 20% of the total compensation collected shall be earmarked for cultural-development measures and copyright awareness.

2. After deducting operating costs, the remainder shall be apportioned as follows:

a) For Article 3(2) (reprography): 50% authors / 50% publishers.

b) For Article 3(4) (devices/media levy):

i) For the portion corresponding to typical use for audio/audiovisual reproduction: 40% authors / 30% performers / 30% phonogram & videogram producers;

ii) For the portion corresponding to typical use for written works (books, e-books, press): 50% authors / 50% publishers.

COMMENTS/DEVELOPMENTS

Law 62/98 as amended by Law 49/2015 and DL 100/2017
The increase in total revenues between 2015 and 2016 was due to the impact of Law No. 49/2015, of June 5, which enlarged the scope of equipment, devices and supports subject to the Private Copying Law.

Manufacturers and importers must deliver the amounts to AGECOP on a quarterly basis. In 2015, only one quarter of total levies due was declared and paid on the influence of Law No. 49/2015.

The increase observed in the Graphic and reprographic copy department, between 2017 and 2018, was due to the impact of D.L. No. 100/2017, of August 23.

COURT CASES

Yes, some court cases are currently pending before national court, but without decisions

PORTUGAL

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)	Capacity
Smartphones	15.00	128 Gb
	15.00	256 Gb
	0.12 per each Gb of capacity or fraction, with the limit of 15.00	(Other Capacities)
Tablets	7.68	64 Gb
	15.00	128 Gb
	15.00	256 Gb
	0.12 per each Gb of capacity or fraction, with the limit of 15.00	(Other Capacities)
External HD	4.096	1 Tb
	7.50	4 Tb
	0.004 per each Gb of capacity or fraction, with the limit of 7.5	(Other Capacities)
SD and Micro SD memory cards	0.512	32 Gb
	2.048	128 Gb
	0.016 per each Gb of capacity or fraction, with the limit of 7.5	(Other Capacities)
USB Sticks	1.024	64 Gb
	4.096	256 Gb
	0.016 per each Gb of capacity or fraction, with the limit of 7.5	(Other Capacities)
Set top BOX with hard drive	0.016 per each Gb storage capacity or fraction	≤256 Gb
	0.016 per each Gb of capacity or fraction, with the limit of 15.00	>256 Gb
Reprographic devices (i.e., devices for text and image copying only)	a) Multifunction equipments or ink-jet photocopiers – 5.00/unit; b) Multifunction equipments or laser photocopiers: Up to 40 pages per minute- 10.00/unit b) Multifunction equipments or laser photocopiers: More than 40 pages per minute- 20.00/unit; c) Scanners and other equipment meant only for digitization- 2.00/unit; d) Ink-jet printers- 2.5/unit; e) Laser printers- 7.5/unit.	

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

PORTUGAL

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TARIFFS IN LOCAL CURRENCY

Other	Tariff (EUR)	Capacity
Analogue devices		
Audio recorders	0.20	per unit
Video recorders	0.20	per unit
Digital devices without memory or hard drive		
CD - recorders	1.00	per unit
DVD - recorders	2.00	per unit
CD and DVD recorders	3.00	per unit
Blu-Ray disc recorders	3.00	per unit
2.3 - Support and Storage devices		
a) Analogue support materials audio such as cassettes/tapes	0.10	per unit
b) Analogue support materials video such as cassettes/tapes	0.10	per unit
c) CD-R's	0.05	per unit
d) 8 inch CD's	0.05	per unit
e) Mini-disc's	0.05	per unit
f) CD-RW's	0.10	per unit
g) DVD-R's	0.10	per unit
h) DVD-RW's	0.20	per unit
i) DVD-RAM's	0.20	per unit
j) Blu-Ray discs	0.20	per unit

REVENUES IN LOCAL CURRENCY

Collection in '000 EUR	2019	2020	2021	2022	2023	2024
Total	**24,392**	**26,985**	**33,571**	**35,033**	**31,991**	**39,783**
Including: Reprographic devices	1,576	1,767	1,614	1, 591	1, 404	1,323
Digital devices	22,811	25,214	31,954	33, 439	30,583	38,456

Percentage distributed	2019	2020	2021	2022	2023	2024
Text-Image Works	17.89%	18.70%	18.59%	18.27%	18.11%	16.95%
Musical - Audiovisual Works	82.11%	81.30%	81.41%	81.73%	81.89%	83.05%

PORTUGAL

Notes:

(1) The amount of equitable compensation determined for the Graphic and Reprographic Copying Department is distributed as established by Law: 50% for the organizations representing authors and 50% for the organizations representing publishers.

(2) The amount of equitable compensation determined for the phonographic and videographic Copying Department is distributed as established by Law: 40% for organizations representing authors, 30% for organizations representing artists, performers, and 30% for organizations representing producers of phonograms or videograms.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

ROMANIA

18.944 M GDP: EUR 355.07 Bn

CONTACT INFORMATION

COUNTRY	Romania	
CURRENCY	RON	
NAME ORGANIZATION	COPYRO	UPFR
WEB SITE	https://www.copyro.ro	https://upfr.ro
E-MAIL	office@copyro.ro	secretariat@upfr.ro

OVERVIEW

EXCEPTION	Yes; Reproduction of a lawfully published work by a natural person for its private use or a use in family circle, for non-commercial purpose is covered by the private copying exception.
LEVY	Equipment: Yes Media: Yes Reprography: Yes
BENEFICIARIES	Authors, performers, publishers, phonogram and audiovisual producers
LIABLE	Importer and Manufacturer
EXEMPTION	Professional use, Export
SOCIAL AND CULTURAL DEDUCTIONS	Yes; 10%

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By law. The collecting societies negotiated with users' representatives and an arbitration court nominated by ORDA established the list of media and devices.

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

There is only one criterion: the purpose of the device. If the device is for recording purposes the remuneration is 0.5% from the tax value; if the device is for storage purposes, the remuneration is 3% from the tax value.

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY?

Yes

DO LEVIES FOR REFURBISHED DEVICES DIFFER FROM LEVIES FROM NEW DEVICES?

No

ROMANIA

EXEMPTION AND REFUND

EXEMPTION IN CASE OF EXPORT?

Yes

ARE THERE EXEMPTIONS FROM THE LEVY PAYMENT OBLIGATION IN CASE OF PROFESSIONAL USE?

No

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

No. There are no specific products excluded. The list of devices and media for compensatory remuneration is established by ORDA's decision and can be updated every 3 years.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Payment is due monthly

HOW FREQUENTLY IS PAYMENT DUE?

Part of UPFR's legal task is to undertake regular checks on the declaration by checking the accounting documents of the companies.

HOW DO YOU MONITOR THE MARKET?

Tariffs are established by law and we have a sole collector for all the fields of collection.

ARE EXPORTS EXEMPTED?

Yes, exports are exempted. Generally, manufacturers do not declare in their monthly report exports; if they are declared in one month, changes in declaration are taken into account and the amount is deducted from the payment of the next month.

DEFINITION OF IMPORT WHO IS CONSIDERED IMPORTER.

Importers are considered companies which introduce their merchandise on Romanian territory, without taking into consideration the country out of which merchandise is brought (intra-communataire products are considered imports).

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

The Union of Phonogram Producers in Romania

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

Yes

IS THERE A MAXIMUM TIME LIMIT SET BY LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Yes

FREQUENCY OF DISTRIBUTION

Monthly

ROMANIA

DISTRIBUTION PROCESS

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, publishers, performers and producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Distribution schemes are stated by law

HOW DO RIGHTSHOLDERS CLAIM THEIR DISTRIBUTION?

By request

DISTRIBUTION KEYS

Analogue process copy:

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

Digital process copy:

33.33% - Authors
33.33% - Performers
33.33%- Producers

Author-publisher split determined by law

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

Yes, 10% from total amount of collections

HOW IS THE AMOUNT/PERCENTAGE OF SOCIAL AND/OR CULTURAL DEDUCTION DETERMINED?

Amount/percentage imposed by CMO

WHAT IS THE PURPOSE OF THE DEDUCTION AND WHO CAN BENEFIT?

Social and cultural purposes of the rightsholders

LEGAL BASIS

EXCEPTION

Law No. 8/1996 on Copyright and Related Rights (republished 14 June 2018; as amended, incl. Law No. 69/2022)

Article 36

(1) The reproduction of a work without the author's consent, for personal use or for the normal circle of a family, does not constitute an infringement of copyright within the meaning of this law, provided that the work has previously been made known to the public and the reproduction does not conflict with the normal exploitation of the work and does not prejudice the author or the holder of the exploitation rights.

ROMANIA

LEGAL BASIS

LEVY

Article 36

(2) For the media on which sound or audiovisual recordings can be made, or on which reproductions of works expressed graphically can be made, as well as for devices designed for making copies, in the situation provided for in paragraph (1), a compensatory remuneration shall be paid, established by negotiation, in accordance with the provisions of this law.

Article 114

The authors of works capable of being reproduced by sound or audiovisual recordings on any type of medium, as well as the authors of works capable of being reproduced on paper, directly or indirectly, under the conditions laid down in Article 36(1), shall be entitled, together with the publishers, producers and performing artists or performers, as the case may be, to a compensatory remuneration for private copying, in accordance with Article 36(2). The right to compensatory remuneration for private copying may not be the subject of a waiver by the beneficiaries.

The compensatory remuneration for private copying shall be paid by the manufacturers and/or importers of the media and devices provided for in Article 36(2), regardless of whether the process used is analogue or digital.

Importers and manufacturers of media and devices provided for in Article 36(2) are obliged to register with the Romanian Copyright Office, in the National Private Copy Register, and may carry out the respective import or production activities only after obtaining from the Romanian Copyright Office a registration certificate. This certificate shall be issued by the Romanian Copyright Office on the basis of evidence regarding the lawfully declared object of activity and of the Single Registration Certificate at the Trade Register, within 5 days from their submission.

The list of media and devices for which the compensatory remuneration for private copying is due, as well as the amount of this remuneration, shall be negotiated every 3 years, if one of the parties so requests, within commissions composed of:

a) one representative each of the main collective management organisations, which operate for each category of rights, on the one hand;

b) one representative each of the main associative structures mandated by the manufacturers and importers of media and devices, appointed by those associative structures, and one representative each of the top 3 manufacturers and major importers of media and devices, determined on the basis of turnover and market share in the relevant field, provided that these data are declared for this purpose to the Romanian Copyright Office on their own re sponsibility, on the other hand.

For the purpose of initiating negotiations, in accordance with the procedures provided for in Article 163(2)–(5), the collective management organisations or the associative structures of the manufacturers and importers of media and devices shall submit to the Romanian Copyright Office an application containing the list of media and devices; this application shall be published in Part I of the Official Gazette of Romania by decision of the Director General of the Romanian Copyright Office, together with the amounts of remuneration to be negotiated. The list shall be drawn up separately for devices and media in the sound and audiovisual field and for devices and media in the graphic field and shall be negotiated in two commissions.

The remunerations are percentage-based and are calculated on the customs value, in the case of importers, and on the value without VAT when the products are placed into circulation by manufacturers, and shall be paid in the month following the import or the invoicing date.

The remunerations negotiated by the parties are percentage-based and are owed for the devices and media provided for in Article 36(2), including for A4 copier paper sheets and digital media.

ROMANIA

LEGAL BASIS

LEVY

The compensatory remuneration for private copying represents a percentage share of the value specified in paragraph (6), as follows:

a) copier paper sheets, A4 format: 0.1%;

b) other media: 3%;

c) for devices: 0.5%.

Negotiations for establishing the list of devices and media for which the compensatory remuneration is due shall be convened by the Romanian Copyright Office within 15 days from the publication in Part I of the Official Gazette of Romania of the negotiation request.

COLLECTION AND DISTRIBUTION SYSTEMS

Article 115

The compensatory remuneration for private copying shall be collected by a single collector collective management organisation for works reproduced from sound and audiovisual recordings and by another single collector collective management organisation for works reproduced from paper, under the conditions laid down in Article 168(6)–(8). The two collective management organisations with the capacity of single collector shall be designated by obtaining the vote of the majority of the beneficiary collective management organisations at the first convocation, or by obtaining the highest number of votes at a second convocation, regardless of the number present. The collective management organisations designated by vote shall file with the Romanian Copyright Office the minutes by which they were designated. Within 5 working days from the filing date, the Romanian Copyright Office shall appoint the single collector by decision of the Director General, which shall be published in Part I of the Official Gazette of Romania.

Article 116

1. The compensatory remuneration for private copying collected by the single collector collective management organisations shall be distributed to the beneficiaries as follows:

a) in the case of media and devices for copies recorded in sound, by analogue process, 40% of the remuneration shall go, in negotiable shares, to the authors and publishers of the recorded works, 30% shall go to performing artists or performers, and the remaining 30% shall go to producers of sound recordings;

b) in the case of media and devices for copies recorded in audiovisual form, by analogue process, the remuneration shall be divided equally between the following categories: authors, performing artists or performers, and producers;

c) in the case of copies recorded by analogue process on paper, the remuneration shall be divided equally between authors, publishers and publishers of press publications.

2. In the case of copies recorded by digital process, on any type of medium, the remuneration shall be divided equally between authors and publishers, performing artists or performers, producers and publishers of press publications.

COMMENTS/DEVELOPMENTS

A lawsuit has been initiated on the previous legislation on private copying in Romania, which has not been definitively resolved in the Romanian Court.

Starting with April 2022, the law clearly establishes the right to remuneration for digital private copying for all categories of authors. In this regard, starting with April 2022, the legislation has been amended alongside existing recognized forms of digital private copying for written works area. Digital private copying also reproduced on paper was further regulated.

ROMANIA

COMMENTS/DEVELOPMENTS

COPYRO sustained and supported the finding of a solution for provisional distribution between all the beneficiary collective management organizations, according to article 116 of Law No.8/1996, without discriminating against any category of beneficiaries.
In this regard, a document was signed with the collector – UPFR – along with the majority of beneficiary collective management organisations, which is no longer being respected by UPFR.
Despite support for UPFR on the distribution and payment of the rights, no remunerations have been paid to COPYRO for digital private copying by UPFR, taking into consideration the new amendments of the law, since April 2022.

Currently, the sole collector UPFR refuses to acknowledge digital private copying for all beneficiaries (creators of written works and visual art).

TARIFFS IN PERCENTAGE OF CIF VALUE (IMPORT OR BASE PRICE)

Storage Media	Tariff	
Smartphones (phones with reproduction functions of audio or audiovisual recordings MP, MP4, AAC, WMA, WAV, etc.)	0.50%	Per unit (storage > 64 Mb)
Tablets	0.50%	Per unit
External HD (including those with audio-video input and/or output, regardless of the name used)	0.50%	Per unit
Internal HDD (hard disk built into the computer)	0.50%	Of 10% of system value
USB Sticks / Memory sticks	0.50%	Per unit
SD and Micro SD memory cards	0.50%	Per unit (used in mobile phones)
SD and Micro SD memory cards (other than for phones)	3%	Per unit
Set top BOX with hard drive	0.50%	Per unit (falls under appliances with HDD or built-in storage medium)
Televisions and digital VCRs with HDD or built-in storage medium	0.50%	Per unit
Blank media		
Rewritable CD / any type of blank CD or DVD (including data CD)	3%	Per unit
Blu ray disc	3%	Per unit
HD-DVD disc	3%	Per unit
Audio cassettes	3%	Per unit
Minidisc	3%	Per unit

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

ROMANIA

TARIFFS IN PERCENTAGE OF CIF VALUE (IMPORT OR BASE PRICE)

Storage Media	Tariff	
Blank media		
VHS and Super VHS cassettes (excluding cassettes for portable video camera such as Video 8, Digital 8, HI8, DVM VHS-C, Super VHS-C) D-VHS and HD video cassettes	3%	Per unit
All Other Devices		
Audio/video players with storage medium; MP3 players, iPod media players (supporting AVI, MPEG-1, MPEG-2, MPEG-4, XVID, DIVX (v3.11, v4.x, v5x, v6x), XVID/VCD, SVCD, DVD, AAC, WMA, WMV, ASF, MP3, MP4, WAV, IMOD and later versions)	0.50%	Per unit
Blu-ray recorder	0.50%	Per unit
HD-DVD recorder	0.50%	Per unit
Audio recorder	0.50%	Per unit
Minidisc recorder	0.50%	Per unit
Video recorder	0.50%	Per unit
MP3 recorder	0.50%	Per unit
CD/DVD recorders and writers (including Hi-Fi equipment that records; internal and external CD writers	0.50%	Per unit For built-in writers, 0,50% applied
Built-in writers in computers	0.50%	7% of the value of the entire system sold with the writer

REVENUES IN LOCAL CURRENCY

Collection in '000 RON	2019	2020	2021	2022	2023	2024
Reprographic devices	1,319	1,333	1,526	1,837	1,991	2,318
Digital devices[1]	-	-	-	30,612	37,234	41,777
Total	**unreported**	**unreported**	**unreported**	**32,449**	**39,225**	**44,096**

[1] UPFR has been the collector since 2022, when authors of written works were introduced into the digital environment. This organization has not paid any remuneration to COPYRO.

Percentage distributed	2022	2023	2024
Text-Image Works	6,921	9,485	5,222
	Authors of written and visual works-Unpaid		

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

D

RUSSIAN FEDERATION

146.08 M GDP: EUR 1997.6 Bn

CONTACT INFORMATION

COUNTRY	Russian Federation
CURRENCY	RUB
NAME ORGANIZATION	RUR
WEB SITE	www.rp-union.ru
E-MAIL	office@rp-union.ru

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Russian Union of Rightholders (RUR) is the sole organization within Russian territory that is responsible for the collection and distribution of private copying remunerations to all rights owners. Appointed by the Ministry of Culture according to the Civil Code.
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Reprography: No
TARIFFS	All tariffs in Russia are set by the Government. There is a governmental regulation that sets down 1% levy for every listed device (cell phones, computers, memory sticks, memory card, etc.)
BENEFICIARIES	1) Musical sector: 1.1. Authors of a musical work (composers, poets) – 40% 1.2. Performers of a musical work – 30% 1.3. Producer of a musical work – 30% 2) Audiovisual sector: 2.1 Authors of an AV work (composers, directors and screenwriters) – 40% 2.2 Actors of an AV work – 30% 2.3 Producer of an AV work – 30%
LIABLE	Importers into the territory of Russia and local manufacturers are liable for payment.
EXEMPTION	Professional use according to law. Export is not directly mentioned by law but in fact we do not collect for it.
SOCIAL AND CULTURAL DEDUCTIONS	Yes; not exceeding 20%

RUSSIAN FEDERATION

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By Law

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Actual number of copies made (empirical study)

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

No

EXEMPTION AND REFUND

EXEMPTION IN CASE OF EXPORT?

Yes

ARE THERE EXEMPTIONS FROM THE LEVY PAYMENT OBLIGATION IN CASE OF PROFESSIONAL USE?

Yes

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

The remuneration collection system is established by the "Regulations on fundraising for paying remuneration for free reproduction of phonograms and audiovisual works for personal purposes payable by importers of equipment and material media used for such reproduction" approved by the Resolution of the Government of the Russian Federation "On remuneration for free reproduction of phonograms and audiovisual works for personal use", dated October 14, 2010 No. 829.

The provisions regulate the entire process of collecting remuneration. So, in accordance with the Regulation the importer has to provide RUR an import report within 10 days after import of the equipment and material media to the territory of the Russian Federation and issuing of custom formalities. The import report contains the following information:

- professional equipment/material media or for private use with/without the copy function
- name of product
- number of units
- customs value of equipment
- the corresponding codes of the Common Commodity Nomenclature for Foreign Economic Activities of the Customs Union
- instructions, manuals, technical documentation and other documents (as supporting documents)

RUR, within a period not exceeding 20 working days from the date of the receipt of the import report, compares the information contained in the report with the information provided by the customs authorities of the Russian Federation, and also verifies the correctness of the classification of equipment to a specific category (professional/for private use). If professional (PRO) or non-copying equipment (ND) is present in the import report, the RUR notifies the importer that there is no obligation to pay funds to pay the remuneration for this equipment (a sample notification is attached). On imported equipment for personal use, having a copy function, the RUR makes an invoice, which is sent to the importer. The importer should transfer remuneration according to the invoice in a period not exceeding 10 (ten) working days from the date of receipt of the invoice.

RUSSIAN FEDERATION

COLLECTION PROCESS

HOW FREQUENTLY IS PAYMENT DUE?

Monthly
10 days from the date of import (for importers), once every three months (for manufacturers)

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

According to the RF Government Regulation No. 829, the Federal Customs Service is obliged to send information about importers and the nomenclature of equipment and material media used for free reproduction of phonograms and audiovisual works for personal purposes to the collective management organization. In pursuance of this clause, the Federal Customs Service of Russia and the Russian Union of Rightsholders (RUR) has concluded an Agreement on information interaction.

ARE EXPORTS EXEMPTED?

The exporters have the right to claim a refund for paid levies if they confirm that the equipment has not been used on the territory of the Russian Federation.

WHO IS CONSIDERED IMPORTER?

The importer is a person who is responsible for the imported goods to be declared to the Customs Union. The Customs Union is represented by Russia, Belarus and Kazakhstan. In 2016 we have new members Kyrgyzstan and Armenia.

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES? AND WHY?

According to the Regulation of the Government of the Russian Federation No. 829, funds for the payment of fee are not paid by importers of professional equipment that is not intended for use at home. Also, funds for the payment of remuneration are not paid by importers of equipment and material media intended for personal use, but without function of reproduction (copying) phonograms and audiovisual works.

There are some claims against paying fee by the importers made by organizations which refuse such payment in favor of rightsholders and from cooperation with the RUR. Such claims are unfounded, and the Ministry of Culture confirmed the unfoundedness of such claims on numerous occasions.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

RUR distributes remuneration directly to the rightsholders.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

Administrative costs for collecting and distributing private copying remunerations: in accordance with the law. deductions can be up to 15%. The current rate is 15%.

IS THERE A MAXIMUM TIME LIMIT SET BY LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Yes, at least once a year

FREQUENCY OF DISTRIBUTION

According to the RUR's statute, the remuneration is distributed no less than once a year (frequency of payment is fixed by the bodies of RUR).

RUSSIAN FEDERATION

DISTRIBUTION PROCESS

WHICH RIGHTSHOLDERS ARE INCLUDED?

1) Authors of musical and audiovisual works
2) Performers (singers and actors)
3) Producers of phonograms and audiovisual works

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

According to the Civil Code distribution is based on empirical study data, fixed by legislator and by CMO. Data is allocated from relevant collecting societies, sales of physical media, digital sales, etc.

DISTRIBUTION KEYS

In accordance with Article 1245 of the Civil Code of the Russian Federation, remuneration for the free reproduction of phonograms and audiovisual works for personal purposes is distributed among copyright holders in the following proportions: forty percent to authors, thirty percent to performers, thirty percent to producers of phonograms or audiovisual works. The distribution within these groups takes place in accordance with the internal rules of the Organization's distribution.

Distribution scheme for audio:

1) 40% Authors of musical works
2) 30% Performers of musical works
3) 30% Manufacturers of musical works

Distribution scheme. video:

1) 40% Authors of audio-visual works
2) 30% Performers of audio-visual works
3) 30% Manufacturers of audio-visual works

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

Yes. RUR is obliged to deduct a sum for social and cultural purposes that should not be more than 20% of the total collections.

WHAT IS THE PURPOSE OF THE DEDUCTION AND WHO CAN BENEFIT?

Deductions for social and cultural purposes are established by law and must be approved by the rights holders (Art. 1243(4) Civil Code). The Council of RUR decides on such deductions, and the organization's management then implements the decision. All deducted amounts are transferred to dedicated Funds, which are responsible for their further use.

These social and cultural funds are used for purposes such as music festivals, film production, support for young rightsholders, and work related to Russian cultural heritage.

RUSSIAN FEDERATION

LEGAL BASIS

EXCEPTION AND LEVY

Article 1245 of the Civil Code of the Russian Federation

The authors, performers and manufacturers of sound recordings and audiovisual works are entitled to receive a fee for a free reproduction/playback of the sound recordings and audiovisual works exclusively for personal purposes. Such a fee is of a compensatory nature and is payable to rights holders from the funds payable by the manufacturers and importers of the equipment and material media used for the reproduction/playback.

REMUNERATION AND DISTRIBUTION SYSTEM

Art. 1245(3)–(4) of the Civil Code of the Russian Federation

Distribution of collected sums: 40% to authors, 30% to performers, 30% to producers of phonograms/audiovisual works; allocation among specific rightholders is proportional to actual use. The Government sets the distribution/payment procedure. Exemptions: no levy on exported equipment/media and on professional (non-household) equipment.

TARIFFS IN PERCENTAGE OF CIF VALUE (IMPORT OR BASE PRICE)

Storage Media	Tariff	
Smartphones	1%	Per unit
Tablets	1%	Per unit
External HD	1%	Per unit
International HDD	1%	Per unit
SD and Micro SD memory cards	1%	Per unit
USB Sticks	1%	Per unit
Set top BOX with hard drive	1%	Per unit
All Other Devices (as listed by Russian Government)		
Central memory units (other than those already listed as External HD/Internal HDD)	1%	Per unit
Other memory units on discs	1%	Per unit
Other sound-reproducing equipment with a recording device (including cassette players)	1%	Per unit
Other videorecording or video-reproducing equipment (with or without video tuner)	1%	Per unit
DVD players	1%	Per unit

RUSSIAN FEDERATION

Notes:

The fee is 1% of the production price per unit of equipment and material media.
The list of equipment and material media is set up by the Government.
The list contains a number of equipment and material media with the following features:

1) Equipment having a sound-recording or video-recording device and using magnetic. optical or semi-conductor media (Central memory units. memory units on discs. magnetic tapes and other media. sound-reproducing equipment (including cassette players) having a sound-recording device and using magnetic. optical or semi-conductor media. videorecording or video-reproducing equipment combined or not combined with video-tuner on magnetic tape. DVD-players. etc.).
2) Magnetic tapes and magnetic discs
3) Optical media
4) Semi-conductor media

REVENUES IN LOCAL CURRENCY

Collection in '000 RUB	2019	2020	2021	2022	2023	2024
Total	**4,554**	**4,007**	**8,019**	**6,654**	**6,126**	**7,125**

Notes:

RUR does not split the allocated compensation between types of equipment. Only the final figures of the total collection can be provided.

EXPLANATION ON DEVELOPMENTS

In case of non-payment of remuneration, both a fee and significant penalties for late payment are collected from importers in court. Judicial decisions rendered in favour of right holders ensure the stability of the private copying system.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

SERBIA

6.576 M GDP: EUR 82.33 Bn

CONTACT INFORMATION

COUNTRY	Serbia
CURRENCY	RSD
NAME ORGANIZATION	SOKOJ
WEB SITE	www.sokoj.rs
E-MAIL	office@sokoj.rs

OVERVIEW

EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	Special Remuneration Tariff, fixed percentage for each type of media/device
BENEFICIARIES	Authors, Producers of Phonograms, Performing Artists
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	☑ Payment ☑ Disclosure - must provide information on the type and quantity of levied products placed on the market on request
EXEMPTION	Export
SOCIAL AND CULTURAL DEDUCTIONS	Yes; 10%

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By law, (or other legal instrument); by negotiation

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Estimation of the harm caused

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

At irregular intervals, approximately once in 10 years

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

No

SERBIA

EXEMPTION AND REFUND

ARE THERE EXEMPTIONS FROM THE LEVY PAYMENT OBLIGATION IN CASE OF PROFESSIONAL USE?

Yes, exemption applies in case of export

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

No

ARE THERE ANY PRODUCTS EXEMPT FROM LEVIES?

Certain carriers and devices are explicitly exempted by law, such as those intended for export, studio equipment, video surveillance equipment, voice recorders, memory cards, computers, laptops, tablets, smartphones, hard drives.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of Customs authorities to deliver reports on imports, duty of industry debtors to disclose information upon CMO request, duty of CMOs to request payment

HOW FREQUENTLY IS PAYMENT DUE?

Monthly

HOW DO YOU MONITOR THE MARKET?

Monitored by Customs Administration

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Customs Administration delivers relevant import reports to SOKOJ.

ARE EXPORTS EXEMPTED?

Yes

DEFINITION OF IMPORT

Import of goods means bringing in, delivery or shipment of goods from the territory of another country or customs territory to the territory of the Republic of Serbia, in accordance with the customs regulations of the Republic of Serbia. (Law on Foreign Trade Operations – "Official Gazette of the Republic of Serbia" Nos. 36/09, 36/11 and 88/11).

WHO IS CONSIDERED IMPORTER?

In the context of private copying, an importer is a legal person which brings blank media and devices into the Republic of Serbia from abroad.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Text: OORP (Reprography only)

Image: OFA

Music: SOKOJ

Audiovisual works: UFUS AFA ZAŠTITA

SERBIA

DISTRIBUTION PROCESS

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

Yes, the remunerations shall be distributed no later than by the end of the year following the year of collection.

FREQUENCY OF DISTRIBUTION

Yearly

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors,
Performers,
Producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Free negotiation between organizations within categories, which have a fixed share split (authors 40%, producers30%, performers 30%).

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Automatic/periodic distributions through CMOs

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

Yes, 10% (Total for Social and Cultural deductions)

HOW IS THE AMOUNT/PERCENTAGE OF SOCIAL AND/OR CULTURAL DEDUCTIONS DETERMINED?

The law stipulates that each CMO may provide that up to 10% of collected remunerations be used for cultural and social benefits, if explicitly prescribed by its statutes.

WHAT IS THE PURPOSE OF THE DEDUCTION AND WHO CAN BENEFIT?

The purpose of the deduction is further development of culture, as well as improvement of pension, health or social status of organization members. Exact beneficiaries are determined in accordance with internal rulebooks on the cultural and social benefits funds of each organization.

SERBIA

LEGAL BASIS

EXCEPTION AND LEVY

Law on Copyright and Related Rights

Article 46

(1) Without prejudice to the provisions of Article 208, Paragraph 1, Items 4 and 5 of this Law, any natural person shall have the right to reproduce for personal non-commercial purposes a disclosed work without the author's permission and without paying remuneration.

(2) The copies referred to in Paragraph 1 of this Article shall not be placed on the market or be used for any other form of public communication of that work.

(3) The provisions of Paragraph 1 of this Article shall not apply to the following:

1. Recording of the performance, presentation or showing the work;
2. Three-dimensional realization of drawings for works of fine arts;
3. Constructed works of architecture;
4. Construction of a new building after an existing building, which is a work of authorship;
5. Computer programs and electronic data bases,
6. Multiplication of the written works in the scope of an entire book, unless if copies of that book have been sold out for at least two years,
7. Multiplication of the sheet music, except by manual copying.

(4) The author shall have the right of remuneration in accordance with the provisions of Article 39 of this Law for the use of its work in a manner prescribed by paragraphs 1 and 2 of this Article.

LEVY ONLY

Article 39 Law on Copyright and Related rights

1) When the copyright protected work is copied without the permission of the author, in compliance with provisions of article 46, paragraph 1 and 2 of this Law, the authors of the works for which, bearing in mind their nature, it can be expected that they will be multiplied by photocopying or recording onto the carriers of sound, picture or text for personal non-commercial needs of the natural persons (literary works, music, films, etc.) have a right for special remuneration from import or sale of technical devices and empty carriers of sound, picture and text for whom we can justifiably assume that they shall be used for such multiplication.

(2) The remuneration from paragraph 1 of this article are paid by the producers of devices for sound or visual recording, producers of photocopying devices or other devices with the similar technology for multiplication, the producers of empty carriers of sound, picture and text, and in solidarity with them, the importers of devices for sound or visual recording, photocopying devices or other devices with the similar technology for reproduction and empty carriers of sound, picture or text, with the exception of the import of small amounts intended for the private and non commercial use, as part of the personal luggage.

(3) If the devices and items from paragraph 1 of this article are not produced in the Republic of Serbia, the remuneration is paid by the importer.

(4) The obligation for the payment of remuneration from paragraph 1 of this article originates:

1. at the first sale in the Republic of Serbia or import in the Republic of Serbia of new devices for sound or visual recording;
2. at the first sale in the Republic of Serbia or import in the Republic of Serbia, of empty carriers of sound, picture and text;
3. at the first sale in the Republic of Serbia or import in the Republic of Serbia, of new devices for photocopying or other devices with the similar technology of copying.

SERBIA

LEGAL BASIS

(5) In the case of copying works protected by copyright by photocopying or similar technology, apart from the right to remuneration from paragraph 1 of this article, the author has the right to remuneration from the legal or natural person providing commercial services of photocopying.

(6) Persons from paragraph 2 of this article do not pay remuneration for the:

4. technical devices and empty carriers of sound, picture and text if they are intended for export,
5. technical devices which are usually not used for the copying of works for personal non commercial purposes (for example, studio equipment and devices, dictaphone, and similar),
6. empty carriers of sound, picture and text applicable exclusively with technical devices from item 2 of this paragraph.

(7) Persons from paragraphs 2 and 5 of this article have an obligation, at the request of the organizations for collective management of copyright and related rights, to forward information on the type and number of sold or imported devices or carriers of sound, picture and text, as well as information on the number of photocopies made, as the ground for the calculation of compensation. Information obtained in such a way can be used by the organization only for the calculation of the remuneration and must not be used for any other purposes.

(8) Remuneration from paragraphs 1 and 5 of this article must be the fair compensation and the determination of its amount must take into account the probable damage suffered by the author when his work is copied without his permission for personal non commercial use, the application of technical measures of protection and other circumstances that can influence the correct calculation of the amount of this special remuneration.

(9) The authors may realize their right to remuneration from paragraphs 1 and 5 of this article only through the organizations for collective management of copyright and related rights.

(10) Author can not renounce the right to special remuneration from paragraphs 1 and 5 of this article. Right to special remuneration can not be the subject matter of abandonment, disposition for life and judicial enforcement.

(11) [Further procedural provisions on setting the tariff are linked to the collective-management and tariff-setting framework quoted below under "Collection and distribution".]

COLLECTION AND DISTRIBUTION SYSTEMS

Article 178 Law on Copyright and Related rights

(1) The single equitable remuneration for the realization of right to a special remuneration from article 39 and 146 of this Law, which is paid from the first sale or import into the Republic of Serbia of devices to sound or visual recording and empty carriers of sound, picture and text, is determined by agreement in writing between the organizations which exercise the right of those holders of copyright and related rights that by the virtue of this law enjoy the right to a special remuneration on one side and on the other side the representative association of producers or importers of devices for sound and visual recording and importers of empty carriers of sound, picture and text.

(2) The organizations from Paragraph 1 of this Article jointly initiate the negotiations on the single equitable tariff, jointly negotiate in the procedure and in a way determined by article 173 and 174 of this Law and jointly publish the single equitable remuneration from paragraph 1 of this article in the "Official Gazette of the Republic of Serbia".

(3) The single equitable remuneration determined in a way prescribed by Paragraphs 1 and 2 of this Article is enforced on the eight day from the publication date in the "Official Gazette of the Republic of Serbia".

(4) If in the term of two months from the date of the publication of the invitation from Article 174 of this Law, the agreement from Paragraph 1 of this Article has not been reached, the proposal of the single equitable tariff from Paragraph 1 of this Article is determined by the administrative boards of the organizations on the basis of a written agreement.

SERBIA

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

(5) The proposal of a single equitable remuneration is communicated to the Commission for an opinion.

(6) If in the term from 90 days from the publication of the invitation from the article 173 of this Law, the organizations from paragraph 1 of this article do not file to the Commission the request for the opinion on the proposal of a single equitable tariff, that tariff shall be determined by the Commission.

(7) The collection of the single equitable remuneration from Paragraph 1 of this Article is performed by the organization for the collective management of musical rights with the previously reached agreement in writing with the organizations that participated in the negotiations on the single equitable tariff and the amount of the expenses of collecting the special remuneration and the regime of distribution of the special remuneration among the organizations from this paragraph.

(8) The organization for the collective management of musical rights has the obligation to divide the totally collected special remuneration, after the deduction of expenses of collection of the special remuneration determined as agreed, to the authors and direct to the organizations of the interpreters and the producers of phonograms or videograms in the following way: 40% to the authors, 30% to the interpreters and 30% to the producers and phonograms and the producers of videograms.

LEGAL DEVELOPMENTS

A new Law on Copyright and Related Rights has been drafted, aiming to further harmonize domestic legislation with the EU acquis, but it was taken out of the legislative procedure. No significant changes concerning private copying are expected.

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES?

Certain importers claim that devices imported are for professional use only. However, the law does not provide for exemptions on this basis.

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff
Smartphones	0.5% of import value after customs
Tablets	0.5% of import value after customs
External HD	1% of import value after customs
SD and Micro SD memory cards	1% of import value after customs
USB Sticks	1% of import value after customs
Reprographic devices (i.e., devices for text and image copying only)	1% of import value after customs
All Other Devices Desktop PC's, Laptops	1% of import value after customs

SERBIA

REVENUES IN LOCAL CURRENCY

Collection in '000 RSD	2019	2020	2021	2022	2023	2024
Reprographic devices	16,465	13,959	22,516	23,889	29,360	2,586
Digital devices	2,706	1,856	2,433	3,367	80,249	279,329
Total	**19,171**	**15,815**	**24,950**	**27,257**	**109,609**	**281,915**

Percentage distributed	2019	2020	2021	2022	2023	2024
Text-Image Works	85.88%	88.26%	90.25%	87.65%	28.25%	2.90%
Musical - Audiovisual Works	14.12%	11.74%	9.75%	12.35%	71.75%	97.1%

Note:

The reprographic figures for 2024 do not include revenues collected by OORP, as they weren't available at the time of completing this survey. Namely, the reprographic levy in Serbia is collected by two organizations, OFA and OORP, who have separate tariffs for the same devices. OFA represents photography authors, whereas OORP represents literary rightsholders (but only insofar as concerning reprography rights, not authors' rights).

The "classic" PCL is collected by SOKOJ in accordance with the law, and distributed to three groups of rightsholders, whose general shares are determined by the law, as follows: authors 40%, producers 30%, performers 30%. Within those categories, there are several CMOs representing the following categories of rightsholders: authors - SOKOJ (music authors), UFUS AFA ZAŠTITA (audiovisual authors), OFA (photography authors); producers - OFPS (phonogram producers); performers - PI (music performers), GOS (actors).

The percentages between organizations within single categories are individually agreed and subject to negotiations. It should also be noted that not all organizations have been participating in distribution during the period encompassed here.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

SLOVAK REPUBLIC

5.425 M GDP: EUR 129.971 Bn

CONTACT INFORMATION

COUNTRY	Slovak Republic	
CURRENCY	EUR	
NAME ORGANIZATION	SOZA	LITA
WEB SITE	www.soza.sk	www.lita.sk
E-MAIL	international@soza.sk	lita@lita.sk

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Authorization of the Ministry of Culture of the Slovak Republic
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
TARIFFS	Yes, a percentage of an import price
BENEFICIARIES	Authors, producers, performers
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	☑ Payment ☑ Disclosure - must provide information on the type and quantity of levied products placed on the market on request ☑ Reporting - must report the type and quantity of imported items ☑ Auditing
EXEMPTION	Export
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By law (or other legal instrument)

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

A percentage of the import price

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

Irregular; on market demand

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

No

SLOVAK REPUBLIC

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY?

Yes

DO LEVIES FOR REFURBISHED DEVICES DIFFER FROM LEVIES FROM NEW DEVICES?

No

EXEMPTION AND REFUND

ARE THERE EXEMPTION FROM THE PAYMENT LEVY OBLIGATION?

Yes, in case of export. No exemption in case of professional use.

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

No

ARE THERE ANY PRODUCTS EXEMPT FROM LEVIES?

Compensation for remuneration is not paid for technical device or blank recording medium pursuant to Section 36 paragraph 3 (a) of the Copyright Act, which are demonstrably intended to be used for own purposes of importer or recipient.

EXEMPTION (EX-ANTE)?

According to section 167 par. 3 of the Copyright Act, compensation for remuneration is not paid for technical devices or blank recording mediums which are exported to a third country or sent to a Member State (pursuant to Section 36 paragraph 3 (a) of the Copyright Act).

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of individual industry debtors to report and pay

HOW FREQUENTLY IS PAYMENT DUE?

Quarterly

HOW DO YOU MONITOR THE MARKET?

Market control is carried out by exchanging data with several state bureau's incl. customs office.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

Sharing information of import data (only for countries outside EU).

ARE EXPORTS EXEMPTED?

Yes

WHO IS CONSIDERED IMPORTER?

Producers, recipients from a member state, importers from a third country or other persons who place the carriers or devices on sale for the first time on the Slovak market are considered the importer.

SLOVAK REPUBLIC

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

LITA: - literary, dramatic, audio-visual, choreographic, photographic works and visual arts

SOZA: – musical and audiovisual works – writers, composers and publishers

SLOVGRAM: - performers and producers of phonograms

SAPA: - producers of audio-visual recordings

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

The collective management organisation shall pay the income from the exercise of collective management of rights to the rightsholders no later than the end of the ninth month of the calendar year immediately following the calendar year in which it collected this income. If the redistribution and payment of the income from the exercise of collective management of rights within the period referred to in the first sentence is prevented by an obstacle on the part of the user or the rightsholder, the collective management organisation shall pay this income within six months of the cessation of this obstacle.

FREQUENCY OF DISTRIBUTION

Annually

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors
Publishers
Performers
Producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Free negotiation; fixed by CMO

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

By request
Automatic/periodic distributions through CMOs

DISTRIBUTION KEYS SUBMITTED?

Yes

SOCIAL AND CULTURAL FUNDS

No, there are no social and/or cultural deductions

SLOVAK REPUBLIC

LEGAL BASIS

EXCEPTION AND LEVY

Act No. 185/2015 Coll. on Copyright and Related rights.

Section 42 of the Copyright Act No. 185/2015 Coll.

A natural person does not infringe copyright when, without the author's consent, they use a work by making a reproduction for their private need for a purpose that is not directly or indirectly commercial.

LEVY ONLY

General Scheme:

Section 36 par. 2 of the Copyright Act No. 185/2015 Coll.

(2) For use of a work under §§42 and 43, there is an obligation to pay compensation of remuneration (náhrada odmeny), calculated from the base and at the rates set out in Annex No. 2.

(3) The obligation to pay the compensation under paragraph 2 lies with:

a) the manufacturer, the consignee from an EU/EEA state, the importer from a third country, or another person who, for the purpose of sale, first places on the market in the Slovak Republic (including online sales) a technical device enabling temporary or permanent reproduction, storage or retention of a reproduction of a work, or an unrecorded recording medium enabling storage or retention of a reproduction of a work;

Reprographic Devices:

Section 36 par. 2 of the Copyright Act No. 185/2015 Coll.

(2) For use of a work under §§42 and 43, there is an obligation to pay compensation of remuneration, calculated from the base and at the rates set out in Annex No. 2.

(3) The obligation to pay the compensation under paragraph 2 lies with:

a) the manufacturer, the consignee from an EU/EEA state, the importer from a third country, or another person who, for the purpose of sale, first places on the market in the Slovak Republic (including online sales) a technical device enabling temporary or permanent reproduction, storage or retention of a reproduction of a work, or an unrecorded recording medium enabling storage or retention of a reproduction of a work;
b) a person providing reprographic services for a fee.

COLLECTION AND DISTRIBUTION SYSTEMS

SOZA collects the remuneration and distributes them to 5 collective management societies authorized to collect private copying remuneration in Slovakia, including SOZA itself. LITA, Society of Authors is authorized to collect reprography remuneration and distribute it among authors and publishers.

LEGAL DEVELOPMENTS

No further legal development after enactment of the Copyright Act No. 185/2015 Coll.

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES?

Some liable parties deny payments for SMART TVs due to limited possibilities to create copies subject to levy.

SLOVAK REPUBLIC

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff
Smartphones	0.7% from import price or sale price of the device
Tablets	0.6% from import price or sale price of the device
External HD	6% from import price or sale price of such carrier
SD and Micro SD memory cards	6% from import price or sale price of such carrier
USB Sticks	6% from import price or sale price of such carrier
Reprographic devices (i.e., devices for text and image copying only) Printer, scanner, fax, multifunction device with the function of a printer, scanner or fax, copier, electronic book reader or other technical equipment with such an effect, if it is not a permanently installed part of the technical equipment	3% of the import price or of the selling price of the equipment
All Other Devices refurbished or remanufactured goods	Tariffs the same as for new carriers and devices
All Other Devices	
Blank Recording Media (CDs, DVDs, Blu-ray Disc, other similar optic, magnetic or electronic carriers)	6% from import price or sale price of such carrier
Personal Computer	0.85 % from import price or sale price of the technical device
Game console, smart TV, mp3 or mp4 player	3% from import price or sale price of the technical device
Notebooks, netbooks, ultrabooks, minibooks	0.15% from import price or sale price of the technical device
Video Camera	1 % from import price or sale price of the technical device
Camera	0.35 % from import price or sale price of the technical device

REVENUES IN LOCAL CURRENCY

Collection in '000 EUR	2019	2020	2021	2022	2023	2024
Reprography	750	645	857	817	854	864
Private Copying	3,980	4,295	5,415	5,314	5,449	5,394

Note: Some analogue and digital devices fall under both levies.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

SLOVENIA

2.124 M **GDP: EUR 66.968 Bn**

CONTACT INFORMATION

COUNTRY	Slovenia	
CURRENCY	EUR	
NAME ORGANIZATION	KOPRIVA	SAZOR
WEB SITE	www.kopriva.si	www.sazor.si
E-MAIL	info@kopriva.si	info@sazor.si

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Slovenian Intellectual Property Office
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Reprography: Yes
TARIFFS	Tariff System is set by Joint Agreement between CMOs and Chamber of Commerce (Official Gazette of Republic of Slovenia, No. 04/20)
BENEFICIARIES	Authors: - Music - AV works - Literature, Science, Journalism and Translations - Visual Arts and Photography Performers: - Phonograms - AV works Producers: - Phonograms - AV works
LIABLE	Manufacturers and importers of devices and blank media
EXEMPTION	Yes - Imports for personal use as part of importer's luggage - Imports for professional use (as described below) - Imports for the benefit of disabled persons if directly related to their disability - Exported products
SOCIAL AND CULTURAL DEDUCTIONS	Yes; up to 10%

SLOVENIA

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

Negotiations between CMO and the representative union of users

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Criteria used in the negotiation process are storage capacity (media), price categories (devices) and format itself (CD, DVD, analogue media, recorders)

EXEMPTION AND REFUND

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES?

Copyright Act provides three cases of exemption: (1) when products are imported for non-commercial use as part of importer's personal luggage, (2) when products are sold or imported for the first time for the purposes of reproduction for the benefit of disabled persons if directly related to their disability and (3) for manufacturers with respect to devices or media which are made for exportation.

ARE THERE ANY PRODUCTS EXEMPT FROM LEVIES?

First sales or imports of devices and media used for commercial reproduction for which the authorization of the right holders should be obtained.

EXEMPTION UPFRONT?

Products imported for non-commercial use as part of importer's personal luggage are exempted upfront.

REFUND AFTERWARDS?

Persons liable can declare a refund from the detailed list of exempted products supported by a document proving the fact of export or by certificate confirming the Person's exemption status (related to either commercial reproduction activity or disability), including a description of usage.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Collection process and the Tariffs are set by Joint Agreement between Kopriva and Chamber of Commerce. Individual Contract between Kopriva and person liable may furthermore specify some of the Joint Agreement's provisions.
Kopriva obtains and processes manufacturers' and importers' reports, collects remuneration and distributes remuneration (quarterly) to licensed CMOs (see distribution keys below).

HOW FREQUENTLY IS PAYMENT DUE?

According to the Law, the reports and payments to Kopriva are due semi-annually. Individual Contracts between Kopriva and persons liable may define monthly accounting. Kopriva's accounting to licensed CMOs is due on quarterly basis (four times a year).

HOW DO YOU MONITOR THE MARKET?

Public evidence
Market inspection
Contractually agreed formats of auditing / monitoring
Survey/Study

SLOVENIA

COLLECTION PROCESS

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

On a case-by-case basis

ARE EXPORTS EXEMPTED?

Yes

DEFINITION OF IMPORT

Copyright Act:

- The release of goods into free circulation in accordance with customs regulations of the European Community AND
- Each admission to the territory of the Republic of Slovenia from other EU Member States.

WHO IS CONSIDERED IMPORTER?

Any person performing the activities stated above.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Kopriva is not responsible for the distribution of remuneration directly to rightsholders. It only distributes to licensed CMOs which distribute remuneration to individual rightsholders (see CMOs listed below).

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

Maximum is not set by Law. IPO's license declares general maximum of 20%.

FREQUENCY OF DISTRIBUTION

Quarterly

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors:

- Music
- AV works
- Literature, Science, Journalism and Translations
- Visual Arts and Photography

Performers:

- Phonograms
- AV works

Producers:

- Phonograms
- AV works

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Copyright and Related Rights Act defines the scope of rightsholders. Collective Management of Copyright and Related Rights Act defines basic split between major categories of rightsholders (40% authors, 30% performers, 30% producers). CMOs negotiate further detailed split.

SLOVENIA

DISTRIBUTION PROCESS

DISTRIBUTION KEYS

40% - Authors:
- 40,75 % Music (SAZAS)
- 40,75 % AV works (AIPA)
- 11,50% Literature (ZAMP)
- 7% Visual Arts (funds are reserved with no time limit until dedicated collecting society is established)

30% - Performers:
- ½ Phonograms (IPF)
- ½ AV works (AIPA)

30% - Producers:
- ½ Phonograms (IPF)
- ½ AV works (AIPA)

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

There's no deduction made by Kopriva. Other CMOs may set up dedicated funds in accordance with their statutes. The CMOs may allocate a maximum of 10% of the collected rights' revenue to the dedicated funds.

WHAT IS THE PURPOSE OF THE DEDUCTION AND WHO CAN BENEFIT?

The funds shall represent separate assets earmarked to promote artistic creativity and to disseminate new copyright works in areas significant for the preservation of cultural diversity, i.e. funding shall be granted to promising authors permanently residing in the Republic of Slovenia or to authors permanently residing in Republic of Slovenia for social or educational purposes.

LEGAL BASIS

EXCEPTION AND LEVY

Article 50 of Copyright and related rights Act of 30 march 1995 as last amended on December 15, 2006

(1) Subject to Article 37, the reproduction of a disclosed work shall be free, if made in no more than three copies and provided that the conditions of paragraphs 2 or 3 are fulfilled.

(2) A natural person shall be free to reproduce works: 1. on paper or any similar medium by the use of a photographic technique or by some other process having similar effects; and 2. on any other medium if this is done for private use, if the copies are not available to the public, and if this is not done for direct or indirect economic advantage.

(3) Publicly accessible archives and libraries, museums and educational or scientific establishments shall be free to reproduce, on any medium, works from their own copies for internal use, provided that this is not done for direct or indirect economic advantage.

(4) Reproduction according to the foregoing paragraphs shall not be permitted with respect to written works to the extent of the whole book, graphic editions of musical works, electronic databases and computer programs, and in the form of building of architectural structures, unless otherwise provided by this Act or by contract.

(5) Notwithstanding paragraph 4, it shall be permissible, under the conditions of paragraph 1: 1. to reproduce a written work to the extent of the whole book, if such work is out of print for a minimum of two years; 2. to reproduce a graphic edition of musical work by means of handwritten transcription.

SLOVENIA

LEGAL BASIS

LEVY

Article 37 of Copyright and related rights Act of 30 march 1995 as last amended on December 15, 2006

(1) The author has a right to equitable remuneration for making a sound or visual fixation, and for photocopying of his work, done within the scope of private or other internal use, under Article 50 of this Act. (2) Remuneration under the foregoing paragraph with respect to sound or visual fixation shall be paid: 1. upon the first sale or importation of new appliances for sound or visual fixation, and 2. upon the first sale or importation of new blank audio or video fixation mediums. (4) For the purposes of this Act import shall be considered as the release of goods into free circulation in accordance with customs regulations of the European Community, and as each admission to the territory of the Republic of Slovenia from other EU Member States. (5) For the purposes of this Article, the term photocopying includes other similar reproduction techniques, to the term appliances for sound or visual fixation other appliances, which enable getting the same effect, are assimilated. (6) The right to remuneration under paragraph (1) of this Article may not be waived, assigned during the life of the author, and is not subject to execution.

COLLECTION AND DISTRIBUTION SYSTEMS

Article 16 of Collective Management of Copyright and Related Rights Act

(1) A collective organization within the scope of its activity:
(…) 2. negotiates in good faith with representative user associations and concludes joint agreements with them referred to in Article 44 of this Act; 3. publish joint agreements and inform users about applicable tariffs; (…) 7. allocates the collected royalties to the entitled rightholders in accordance with pre-determined rules on the distribution and payment of the collected royalties; 8. pays the assigned royalties to the entitled rightholders.

Article 25 of Collective Management of Copyright and Related Rights Act

(1) The Assembly shall decide on: - the rules of the distribution of collected royalties to which rightholders are entitled; (…) - operating cost rules;

Art 46 of Collective Management of Copyright and Related Rights Act

(1) The amount of compensation for private and other own reproduction, which belong jointly to all rightholders entitled to this compensation under the law governing copyright and related rights, shall be determined jointly by a collecting society authorized to collectively manage the right to compensation referred to in Article 37. Article ZASP, and a representative association of persons liable referred to in the first paragraph of Article 38 ZASP, with reasonable application of the provisions of this Act on concluding a joint agreement and setting tariffs with the exception of the third paragraph of the previous article.

COMMENTS/DEVELOPMENTS

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES?

Limited number of companies (five) deny responsibility or payment for refurbished media/devices. First Court decision that should clarify the meaning of the word “new” is expected in 2026.

COURT CASES

A court decision that should clarify the refurbishment issue is expected in 2026.

SLOVENIA

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)	Criteria/Capacity
Smartphones	4.86	Wholesale price < EUR 243.00
	6.37	From EUR 243.00 to EUR 486.00
	7.53	From EUR 486.00 to EUR 729.03
	9.97	From EUR 729.03 to EUR 972.03
Tablets and other devices with integrated memory	4.86	Wholesale price < EUR 243.00
	6.37	From €243.00 to EUR 486.00
	7.53	From EUR 486.00 to EUR 729.03
USB Sticks or Memory Cards	0.16	< 32 Gb
	0.31	From 64 Gb
	0.55	From 128 Gb
	0.92	From 256 Gb
	1.81	< 256 Gb
AV Recorder	7.60	Any type
Reprographic devices (i.e., devices for text and image copying only)	2.09	Up to 3 color copies/minute
	8.35	Up to 12 color copies/minute
	12.52	From 13 to 36 color copies/minute
	20.86	From 36 to 72 color copies/minute
	29.21	Over 72 color copies/minute
	2.09	Color optical scanner
	1.04	Up to 3 B&W copies/minute
	4.17	Up to 12 B&W copies/minute
	6.26	From 13 to 36 B&W copies/minute
	10.43	From 36 to 72 B&W copies/minute
	14.61	Over 72 B&W copies/minute
	1.04	B&W optical scanner
Refurbished or remanufactured goods	The Levy for devices follows the price of the product. Since refurbished products are cheaper than "new" products, the Levy is set in accordance with the price. Note that a court decision is pending for 2026.	
All Other Devices		
Computers (wholesale price)	4.86	Wholesale price < EUR 364.52
	6.37	From EUR 364.52 to EUR 729.03
	7.53	From EUR 729.03 to EUR 1,093.52

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

SLOVENIA

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)	Criteria/Capacity
All Other Devices		
Digital Optical Media	0.01	CD
	0.02	DVD
	0.11	Blu-ray
Wearable Devices	4.86	Wholesale price < EUR 243.00
	6.37	From EUR 243.00 to EUR 486.00
	7.53	From EUR 486.00 to EUR 729.03

REVENUES IN LOCAL CURRENCY

Collection in '000 EUR	2019	2020	2021	2022	2023	2024
Reprographic devices	194	226	307	216	268	232
Digital devices			unreported			3,664
Total	**194**	**226**	**307**	**216**	**268**	**3,886**

EXPLANATION ON DEVELOPMENTS

After a decade of de-regulation, license for collections has been issued to Drustvo Kopriva, k.o. in July 2019. The negotiation process with Chamber of Commerce was concluded with a Joint Agreement and new Tariff system, published in Official Gazette of Republic of Slovenia.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

SPAIN

49.078 M **GDP: EUR 1,591.63 Bn**

CONTACT INFORMATION

COUNTRY	Spain
CURRENCY	EUR
NAME ORGANIZATION	Ventanilla Unica Digital (VUD)
WEB SITE	www.ventanillaunica.digital
E-MAIL	contacto@ventanillaunica.digital

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Ministry of Cultures
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: No Reprography: Yes
BENEFICIARIES	Author Producers Artist Musicians Actors Writers
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	☑ Payment ☑ Disclosure - must provide information on the type and quantity of levied products placed on the market on request ☑ Reporting - must report the type and quantity of imported items ☑ Auditing Levy should be included as a separate item in every single invoice.
EXEMPTION	Export/professional use
SOCIAL AND CULTURAL DEDUCTIONS	Yes

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By official procedure involving CMOs and debtors; by negotiation

SPAIN

RATE SETTING

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Estimation of the harm caused

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

Regularly, law stated a three-year period, but this has never been observed. In the period from 2017 to 2025, tariffs have only been changed once.

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

No

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY?

Yes

DO LEVIES FOR REFURBISHED DEVICES DIFFER FROM LEVIES FROM NEW DEVICES?

No

EXEMPTION AND REFUND

ARE THERE EXEMPTION FROM THE PAYMENT LEVY OBLIGATION?

Yes, in case of export. In case of professional use, there is a refund with application for upfront deduction.

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

Yes, public administrations

ARE THERE ANY PRODUCTS EXEMPT FROM LEVIES?

No

EXEMPTION (EX-ANTE)?

Ex-ante certification process is available.

REFUND/REIMBURSEMENT?

Purchase invoice and activity justification is required for refund/reimbursement.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of individual industry debtors to report and pay

HOW FREQUENTLY IS PAYMENT DUE?

Quarterly

SPAIN

COLLECTION PROCESS

HOW DO YOU MONITOR THE MARKET?

The VUD has an annual verification plan for companies that regularly present their liquidations, as well as for those that we are certain that they are operating in the sector, but do not report their activities.

The Law gives the VUD the ability to verify the debtors.

ARE EXPORTS EXEMPTED?

Yes

WHO IS CONSIDERED IMPORTER?

Debtor organizations are denying whole system, because probably they wish to come back to the former system financed by state budget.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Text: CEDRO
Image: VEGAP
Music: SGAE/SEDA/AIE/AGEDI
Audiovisual works: AISGE/AGEDI/EGEDA/DAMA/SGAE/VEGAP
Videoclips: AGEDI

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, Publishers, Performers, Producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Free negotiation, Subject to approval/review by state authority

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Automatic/periodic distributions through CMOs

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

Yes, 20% for social deduction and 20% for cultural deduction

HOW IS THE AMOUNT/PERCENTAGE OF SOCIAL AND/OR CULTURAL DEDUCTIONS DETERMINED?

Amount/percentage mandated by law

WHAT IS THE PURPOSE OF THE DEDUCTION AND WHO CAN BENEFIT?

Cultural promotion & social assistance

SPAIN

LEGAL BASIS

EXCEPTION AND LEVY

Law 2/2019, of March 1, which modifies the revised text of the Intellectual Property Law, approved by Legislative Royal Decree 1/1996, of April 12.

Royal Decree Law 12/2017, 3rd July
And amended up to Royal Decree-Law No. 6/2022 of March 29, 2022

Article 31

31(2). Without prejudice to the equitable compensation provided for in Article 25, the reproduction, on any medium, without third-party assistance, of works already disclosed does not require the author's authorization when the following circumstances occur simultaneously, which constitute the legal limit of private copying:

(a) it is carried out by a natural person exclusively for private use, non-professional and non-business, and without direct or indirect commercial purposes;

(b) the reproduction is made from a lawful source, and the conditions of access to the work or subject matter are not infringed;

(c) the copy obtained is not used collectively or for profit, nor distributed for payment."

31(3). Excluded from the foregoing paragraph are:

(a) reproductions of works made available to the public under Article 20.2(i), such that any person may access them from the place and at the time of their choosing, where reproduction of the work is authorized under the contractual terms and, where appropriate, upon payment;

(b) electronic databases;

(c) computer programs (as per Article 99(a).

LEVY ONLY

Article 25(1)

The reproduction of disclosed works in the form of books (or other publications assimilated to books by royal decree), as well as of phonograms, videograms or other sound, visual or audiovisual carriers, made by non-typographic technical devices or instruments, exclusively for private, non-professional and non-business use, and without direct or indirect commercial purposes, in accordance with Article 31(2) and (3), gives rise to an equitable, single compensation for each of the three reproduction modalities mentioned, aimed at adequately compensating the prejudice caused to the creditors as a result of reproductions made under the legal limit of private copying. That compensation shall be determined, for each modality, with regard to the equipment, devices and tangible media suitable for such reproduction, manufactured in Spanish territory or acquired outside it for commercial distribution or use within that territory.

COLLECTION AND DISTRIBUTION SYSTEMS

Royal Decree 1398/2018, 23rd November

Article 25(9) Consolidated Text of the Law on Intellectual Property, Regularizing, Clarifying and Harmonizing the Applicable Statutory Provisions

The equitable compensation shall be made effective through the collective management organizations (CMOs), in accordance with the procedure to be established by royal decree. These organizations must ensure to debtors and jointly liable parties a unified communication of the invoices they must pay.

SPAIN

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

Article 25(10)

The CMOs shall participate in the incorporation, management and financing of a legal person which, on behalf of all of them, shall:

(a) manage exemptions and refunds;

(b) receive and forward to the CMOs the periodic returns prepared by debtors and, as applicable, jointly liable parties;

(c) provide unified billing communication.

Article 25(11)

Debtors and jointly liable parties shall allow that legal person to verify acquisitions and sales subject to compensation and those affected by exemptions under paragraph 7. Likewise, holders of exemption certificates must, upon request, provide the data necessary to verify they continue to meet the requirements.

Article 25(12)

For the Ministry of Education, Culture and Sport to perform its inspection, supervision and control of CMOs, the legal person shall, by April 1 each year, submit information for the preceding year:

(a) detailed list of periodic returns (equipment/devices/media) for which payment obligation arose;

(b) detailed list of compensations paid;

(c) list of exemption certificates and refunds processed;

(d) any additional information required. This information shall be published on the Ministry's website. The Ministry shall also decide disputes concerning denials—by that legal person—of exemption certificates (25(7)(b),(c)) and refund applications (25(8)).

LEGAL DEVELOPMENTS

The CMOs are negotiating with the debtor's organizations to agree on new tariffs. If there's not an agreement reached, the Government will regulate it by Royal Decree.

COURT CASES

Court cases are progressing adequately but very slowly. To have a firm and final court decision takes five years. Spain's system was implemented by the end of 2017.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

SPAIN

6/7

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (EUR)	Capacity
Smartphones	3.25	128 Gb/256 Gb
Tablets	3.75	64 Gb/128 Gb/256 Gb
External HD	9.21	1 Tb
	16.00	4 Tb
SD and Micro SD memory cards	0.24	32 Gb/128 Gb
USB Sticks	0.24	64 Gb/128 Gb
Reprographic devices (i.e., devices for text and image copying only)		
Multifunction reprographics equipment	5.25	-
Single function printer up to 39 copies	4.00	-
Scanner with exposure display up to 29 pages per minute	3.00	-
Hand scanner	3.00	-
All Other Devices		
Wearables	2.50	-
PC Desktop and Laptop	5.33	-
Internal HDD	0.90	Up to 1 Tb
	1.50	From 1.01 Tb – 6 Tb
	3.00	Over 6.01 Tb
Internal SDD	0.90	Up to 256 Gb
	1.50	From 256.01 Gb – 1 Tb
	3.00	For integration over 1.01 Tb
MP3-MP4 Player	3.15	-
Non-smart phone with MP3 function	1.10	-
Single function e-book	2.00	-
Multimedia e-book	3.15	-
Rewritable CD	0.08	-
Rewritable DVD/Blu Ray	0.21	-
Internal or External CD-DVD recorder	1.00	-

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

SPAIN

7/7

REVENUES IN LOCAL CURRENCY

Collection in '000 EUR	2019	2020	2021	2022	2023	2024
Reprographic devices	10,880	12,410	11,860	11,090	14,770	18,540
Digital devices	43,950	47,970	46,700	43,450	46,690	57,800
Total	**54,830**	**60,380**	**58,560**	**54,540**	**61,460**	**76,340**

Percentage distributed	2019	2020	2021	2022	2023	2024
Text-Image Works	19.84%	20.55%	20.25%	20.33%	24.03%	24.29%
Musical - Audiovisual Works	80.16%	79.45%	79.75%	29.67%	75.97%	75.71%

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

D

SWEDEN

10.588 M GDP: EUR 563.93 Bn

CONTACT INFORMATION

COUNTRY	Sweden
CURRENCY	SEK
NAME ORGANIZATION	Copyswede
WEB SITE	copyswede.se
E-MAIL	copyswede@copyswede.se

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	Copyswede is responsible for the collection and distribution of the remuneration. According to Article 26 m of the Copyright Act, an organization representing a substantial number of Swedish authors and holders of neighboring rights in the field concerned is entitled to collect the remuneration. Copyswede is tasked by its member organizations and co-operative partners to collect the remuneration. (The member organizations represent Swedish authors and performers and Copyswede have partnership agreements with TV- and radio corporations and organizations of film and phonogram producers).
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Reprography: No (collected through ECL, not on devices)
TARIFFS	Tariffs are in place. However, the tariffs are currently negotiated with the electronics industry.
BENEFICIARIES	Copyswede is responsible for distribution to rightsholders. Both directly to individual rightsholders or through organizations of rightsholders.
LIABLE	Importers
EXEMPTION	Export/professional use/use by organizations for disabled people
SOCIAL AND CULTURAL DEDUCTIONS	No

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By law. In practice the level of the levies has been set through negotiations and in compensation claims directed to the importers.

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Actual number of copies made (empirical study)
The law contains certain criteria to reduce the levies (in practice this has been achieved through negotiations with the industry). The mentioned criteria are, for example, if the authors have received in some other form compensation for the making of private copies or if the products are used for other purposes than private copying.

SWEDEN

EXEMPTION AND REFUND

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES?

The law provides an explicit exception regarding sales for professional uses and sales to organizations for functionally disabled persons.

EX-ANTE EXEMPTION?

The condition is that the products will be exported from the country, used only for professional purposes or used for the making of copies of works for persons with a disability.

REFUND?

A refund may be claimed if a product is withdrawn from the market or exported. The claim must be included in a monthly report to Copyswede within one year of the report of the product's original sale. The corresponding amount will be deducted from the levy for that reporting period.

Importers registered with Copyswede are not required to submit special evidence, but Copyswede reserves the right to audit as regulated in the agreement with importers.

Refunds may be requested by any importer, manufacturer or distributor that is registered with Copyswede and has assumed responsibility for reporting and paying the levy.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Organizations must contact and report to Copyswede themselves. Collection is not legally organized by customs.

HOW FREQUENTLY IS PAYMENT DUE?

Once a month

HOW DO YOU MONITOR THE MARKET?

Copyswede performs regular market control and has the right to audit importers and retailers. The right to audit is regulated in agreements with the importers.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

There is no collaboration with tax authorities/customs.

ARE EXPORTS EXEMPTED?

Yes

DEFINITION OF IMPORT

The definition in 26k § of the Copyright Act is to bring products into the country within professional activities.

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES? AND WHY?

Yes, there are liable parties who claim that they do not have to pay any levy for smartphones, computers or tablets. The reason for that is that they claim that these devices are not "especially suitable for the making of copies of works for private purposes" and are not included in the system.

SWEDEN

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Collected remunerations are distributed by Copyswede. STIM. SAMI/IFPI. film producers and broadcasting organizations on a yearly basis.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

FREQUENCY OF DISTRIBUTION

Once every year

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, performers and producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

The revenue for each product is divided between audio and video copying. For this purpose. Copyswede commissions market research companies to carry out annual copying surveys. The division of the revenue is based on the results of the copying surveys. Following a proposition of distribution from Copyswede. negotiations take place between Copyswede and the organizations of rights holders. Both parties then set distribution schemes.

DISTRIBUTION KEYS

Audio:
5.33% Union of Broadcasting Organizations (UBOS)
Thereafter:
33.3 % STIM (Lyricists and composers)
33.3 % SAMI (Artists/musicians for recorded music)
33.3% IFPI (Music producers)

Video:
5.33% Union of Broadcasting Organizations (UBOS)
In 2008 an agreement with representatives from the US copyright holders was signed, allocating 20% of the total share of the collected private copying levy relating to video copying net of the share accrued to UBOS.

Thereafter:
33% Video and film producers
67% IFPI and Copyswede's Member Organizations

SWEDEN

LEGAL BASIS

Copyright Act (1969:729) on Copyright in Literary and Artistic Works, amended up to Act (2024:791)

EXCEPTION AND LEVY

26 k §

When a trader manufactures in business, or imports into the country, devices on which sound or moving images can be recorded and which are specially suited for making copies of works for private use, authors of protected works … have a right to remuneration from the trader.

12 § Exemplars for private use

Anyone may, for private use, make one or a few copies of published works… The copies may not be used for other purposes than private use. (With stated exclusions, e.g., computer programs.)

LEVY

26 l § of the Copyright Act:

The remuneration under Section 26 k is:

1. for a device for analog recording: two and a half öre for each possible minute of recording;
2. for devices on which digital recording can be made repeatedly: 0.4 öre per megabyte of storage capacity;
3. for other devices on which digital recording can be made: 0.25 öre per megabyte of storage capacity.

COLLECTION AND DISTRIBUTION SYSTEMS

26 m § of the Copyright Act:

Only an organization that represents a large number of remuneration-entitled authors and holders of related rights in the field has the right to collect and to conclude agreements on reductions of the remuneration under Sections 26 k and 26 l.

The organization shall collect the remuneration and distribute it among those entitled to remuneration, after deducting compensation to the organization for its expenses.

In the distribution, right holders not represented by the organization shall be treated equally with right holders represented by the organization.

Traders referred to in Section 26 k, first paragraph, shall register with such an organization as referred to in the first paragraph. Upon the organization's request, the trader shall report the number of devices covered by the right to remuneration, the devices' recording time or storage capacity, whether the devices can be used for repeated digital recording, and when the devices were manufactured or imported. The report shall indicate the number of devices referred to in Section 26 k, second paragraph.

LEGAL DEVELOPMENTS

Over the years Copyswede has signed many agreements with various industry representatives and regulated the remuneration for different products in agreements. In recent years stakeholders within the industry have questioned the suitability of the remuneration for certain product types such as mobile phones, tablets and computers.

Copyswede has claimed remuneration for mobile phones, computers, tablets, internal hard drives and gaming consoles. Some importers have admitted the liability to pay but other have rejected and several legal proceedings have been initiated (see below under "Court Cases").

SWEDEN

COURT CASES

Copyswede have sued two importers of mobile phones and has gained support in the first (2014), second (2015) and third instance (2016 and 2017) for its claims that mobile phones are "especially suitable for the making of copies of works for private purposes".

Copyswede has also sued one of the importers of mobile phones regarding the level of the private copying levy and gained support for its claims in 2018. The case is now appealed to the Patent- and market court of appeal.

In July 2014 Copyswede sued a company for their import of computers and tablets. Copyswede gained support for its claims in first (2015) and second instance (2016).

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (SEK)	Criteria/Capacity
Smartphones	1	Per Gb, cap of 75 SEK
Tablets	1	< 2 Gb-75 Gb, per Gb
	75	> 75 Gb
External HD	2	2 Gb-7 Gb
	6	8 Gb-16 Gb
	12	17 Gb-256 Gb
	24	257 Gb-1024 Gb
	30	1024 Gb
SD and Micro SD memory cards	2	2-7 Gb
	6	8-16 Gb
USB Sticks	2	< 2 Gb-7 Gb
	6	8 Gb-16 Gb
	12	17 Gb-256 Gb
	24	257 Gb-1024 Gb
	30	1024 Gb
Optical Storage Media		
Set-top boxes	1	per Gb, with cap of 120 SEK
MP3 and MP4 players	1	per Gb, with cap of 120 SEK
DVD players (including Bluray)	1	per Gb, with cap of 120 SEK
Televisions with built-in HDD	1	per Gb, with cap of 120 SEK
CD-R All up to 900 MB	0.60	Per unit
CD-RW All up to 900 MB	0.95	Per unit
DVD-R / + R 4.7 GB	2.65	Per unit
DVD-RW / + RW 4.7 GB	4.25	Per unit
DVD-RAM 4.7 Gb	4.25	Per unit
DVD-R /+ R Double Layer 8.5 Gb	4.80	Per unit

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

SWEDEN

6/6

REVENUES IN LOCAL CURRENCY

Collection in '000 SEK	2015	2016	2017	2018
Total LCU	96,217	88,728	58,265	56,567

EXPLANATION ON DEVELOPMENTS

In the year 2016 two companies made a retroactive payment for the years of 2014-2016 for USB memories and external hard drives. In 2017 a major tv distributor in Sweden ceased to pay for hard disc video recorders because of change in broadcasting technology. There have been court proceedings regarding if smart phones, computers and tablets are included in the private copying levy system. The courts have found that they are, but the levels of the levies are still negotiated with the electronic industry, and many companies still do not pay levies for these types of products.

Notes:

Updated figures between 2019-2024 have not been provided.

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

D

SWITZERLAND

8.962 M GDP: EUR 865.83 Bn

CONTACT INFORMATION

COUNTRY	Switzerland
CURRENCY	CHF
NAME ORGANIZATION	Suissimage, representing also SUISA und ProLitteris
WEB SITE	www.suissimage.ch
E-MAIL	Info@ssa.ch

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	The Swiss Federal Institute of Intellectual Property
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Cloud Storage: No NPVR: Yes Reprography: No
BENEFICIARIES	Script-Writers, Directors, Producers, musical authors and publishers, writers, photographers, Performers
LIABLE PARTIES FOR PAYMENT AND THEIR LEGAL OBLIGATIONS	☑ Payment ☑ Disclosure - must provide information on the type and quantity of levied products placed on the market on request ☑ Reporting - must report the type and quantity of imported items ☑ Auditing
EXEMPTION	Export
SOCIAL AND CULTURAL DEDUCTIONS	Yes; up to 10%

RATE SETTING

HOW ARE LEVIES/REMUNERATION DETERMINED?

By Law (or other legal instrument), by official procedure involving CMOs and debtors, by negotiation

WHICH CRITERIA ARE USED FOR DETERMINING THE LEVIES/REMUNERATION?

Actual number of copies made (empirical study)

HOW FREQUENTLY ARE NEW RATES NEGOTIATED?

At irregular intervals, i.e. from 1 to 8 years, depending on the applicable tariff

IS AN EMPIRICAL STUDY NECESSARY AS A BASIS FOR LEVY CALCULATION?

Yes, not legally necessary, but indispensable in practice

SWITZERLAND

REFURBISHED DEVICES

ARE REFURBISHED DEVICES SUBJECT TO LEVY?

Yes

DO LEVIES FOR REFURBISHED DEVICES DIFFER FROM LEVIES FROM NEW DEVICES?

No

EXEMPTION AND REFUND

ARE THERE EXEMPTION FROM THE PAYMENT LEVY OBLIGATION?

Yes, in case of export. No exemption in case of professional use

ARE THERE ANY CONSUMERS OR BUYERS EXEMPT FROM PAYING THE LEVIES (OTHER THAN PROFESSIONAL USE)?

No

ARE THERE ANY PRODUCTS EXEMPT FROM LEVIES?

No

REFUND/REIMBURSEMENT (EX-POST)?

A refund is possible for empty carriers that can be proven to have been exported from Switzerland. The refund will be made in the form of a credit note against the levies owed.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Duty of Industry organisations to report and pay CMOs on behalf of members
Duty of CMOs to request reporting and payment from industry debtors

HOW FREQUENTLY IS PAYMENT DUE?

Monthly/Quarterly

HOW DO YOU MONITOR THE MARKET?

At SUISA's request, producers and importers shall grant SUISA access to their warehouses and books for verification purposes. SUISA may request a corresponding confirmation from the producer's or importer's auditors. Verification may be entrusted to an independent third party; if the verifications show that the producer's or importer's declarations were false or incomplete, the latter shall bear the verification costs; otherwise those costs will be borne by the party who requested the third-party verification.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

In Switzerland, there is no collaboration or data exchange between tax authorities/customs an CMOs.

ARE EXPORTS EXEMPTED?

Yes

DEFINITION OF IMPORT

The importer is any company importing blank carriers into the territory of Switzerland, regardless of whether it uses the carriers itself or offers them to retailers or directly to private customers.

SWITZERLAND

COLLECTION PROCESS

WHO IS CONSIDERED IMPORTER?

As for cross-border situations, a foreign provider is also regarded as importer if the handling of a purchase for Swiss customers is equal to a purchase from a domestic provider.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

Text: Litteris

Image: Pro Litteris

Music: SUISA

Audiovisual works: Suissimage, SSA

Videoclips: IRF

Audiobooks: Pro Litteris

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

No

IS THERE A MAXIMUM TIME LIMIT SET BY THE LAW TO DISTRIBUTE PC REMUNERATION AFTER THEIR COLLECTION?

No

FREQUENCY OF DISTRIBUTION

Automatic/periodic distributions through CMOs

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors
Publishers
Performers
Producers

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Based on empirical study data
Fixed by CMO

HOW DO RIGHTSHOLDER CLAIM THEIR DISTRIBUTION?

Automatic/periodic distributions through CMOs

SOCIAL AND CULTURAL FUNDS

IS THERE A SOCIAL AND/OR CULTURAL DEDUCTION?

Yes; 10% depending on CMO's regulation

HOW IS THE AMOUNT/PERCENTAGE OF SOCIAL AND/OR CULTURAL DEDUCTIONS DETERMINED?

Amount/percentage imposed by CMO

SWITZERLAND

SOCIAL AND CULTURAL FUNDS

WHAT IS THE PURPOSE OF THE DEDUCTION AND WHO CAN BENEFIT?

For social welfare purposes and for the appropriate promotion of culture. Targets depend on CMO's regulation.

LEGAL BASIS

Swiss Copyright law

EXCEPTION AND LEVY

Art. 19f Swiss Copyright law

1 Published works may be used for private use. Private use means:

a. Any personal use of the work within a circle of person closely connected to each other, such as relatives or friends;

b. any use of a work by a teacher and his class for educational purposes;

c. the copying of a work in enterprises, public administrations, institutions, commissions and similar bodies for internal information or documentation.

2 Persons entitled to make copies of a work for private use may also have them made by third parties subject to paragraph 3; libraries, other public institutions and businesses that make copying apparatus available to their users are also deemed third parties within the meaning of this paragraph.

3 The following are not permitted outside the private sphere defined in paragraph 1 letter a:

a. the complete or substantial copying of a work obtainable commercially;

b. the copying of works of art;

c. the copying of musical scores;

d. the fixation of recitations, performances or presentations of a work on blank media.

3bis Copies which are made by accessing works that are lawfully made available are neither subject to the restriction of private use under this Article nor are they included in the claims for remuneration under Article 20.

4 This Article does not apply to computer programs.

LEVY ONLY

Art. 60 Swiss Copyright law

1 When determining remuneration, account is taken of:

a. the proceeds obtained from the use of the work, performance, phonogram or audio-visual fixation or broadcast, or alternatively the costs incurred in such use;

b. the nature and quantity of the works, performances, phonograms or audio-visual fixations or broadcasts used;

c. the ratio of protected to unprotected works, performances, phonograms or audio-visual fixations or broadcasts as well as to other services.

2 Remuneration normally amounts to a maximum of ten per cent of the proceeds or costs incurred from the use of the copyright and a maximum of three per cent for related rights; however, it is determined in such a way that entitled persons receive equitable remuneration conditioned upon sound financial management for the administration of rights.

SWITZERLAND

LEGAL BASIS

LEVY ONLY

3 The use of the work under Article 19 paragraph 1 letter b is subject to preferential tariffs.

4 The rental of copies of works in accordance with Article 13 by public or publicly accessible libraries is subject to preferential tariffs in order to safeguard the institution's mandate to disseminate knowledge.

COLLECTION AND DISTRIBUTION SYSTEMS

Art. 45 Swiss Copyright law

1 The collective rights management organisations are required to conduct their business in accordance with proper business management principles.

2 They administer the rights in accordance with set rules and with the principle of equal treatment.

3 They may not aim to make a profit.

4 They shall conclude, wherever possible, reciprocal agreements with foreign collective rights management organisations.

Art. 48

1 The collective rights management organisations are required to draw up distribution regulations and to submit them to the IPI for approval.

2 With the approval of the supreme organ of the rights management organisation, a portion of the proceeds may be used for social welfare purposes and for the appropriate promotion of culture.

Art. 49

1 The collective rights management organisations must distribute the exploitation proceeds in proportion to the revenue derived from the individual works and performances. They must make all reasonable efforts to identify those who are entitled to a share of the proceeds.

2 If a distribution entails unreasonable expense, the collective rights management organisations may estimate the extent of revenue; the estimates are based on factors that are capable of verification and are appropriate.

3 The proceeds are divided between the original holders of rights and other entitled persons in such a way that an equitable share goes to the author and the performer. A different distribution is permissible where the expense would be unreasonable.

4 Contractual agreements made by the original holders of rights with third parties take precedence over the rules of distribution.

LEGAL DEVELOPMENTS

Swiss Copyright law is currently under revision. The draft legislation under consideration does not provide any changes regarding private copying.

ARE THERE LIABLE PARTIES WHO DENY RESPONSIBILITY OR PAYMENT FOR CERTAIN MEDIA/DEVICES?

Currently not. However, during negotiations the users' associations claim increasingly often that phones and tablets are only used for streaming therefore the storage in the devices should not be levied anymore.

SWITZERLAND

TARIFFS IN LOCAL CURRENCY

Storage Media	Tariff (CHF)	Capacity
Smartphones	3.66 4.56	128 Gb 256 Gb
Tablets	2.76 3.66 4.56	64 Gb 128 Gb 256 Gb
External HD	3.80 3.80	1 Tb 4 Tb
NPVR subscription capacities (based on the assumption that one hour of recorded program is about 1 Gb of data)	0.90 per month per subscriber.	Storage space limited to the largest set-top box available on the market.
SD and Micro SD memory cards	2.00 3.66	32 Gb 128 Gb
Set top BOX with hard drive	4.56	≤256 Gb
Other: refurbished or remanufactured goods	Same rate as new devices	Only if the device in question has never been billed according to the Swiss tariff before (which is why import is necessary in each case in order to have a legal basis for the levy).

REVENUES IN LOCAL CURRENCY

Collection in '000 CHF	2019	2020	2021	2022	2023	2024
Total collected revenues	**52,521**	**53,282**	**65,437**	**70,276**	**72,811**	**76,256**
Including Digital devices	14,984	14,612	16,293	16,600	17,321	17,125

Percentage distributed	2019	2020	2021	2022	2023	2024
Text-Image Works	25%	25%	20%	19%	19%	19%
Musical - Audiovisual Works	75%	75%	80%	81%	81%	81%

EUROPE: COUNTRIES WITH A PRIVATE COPYING REMUNERATION SYSTEM AND COLLECTION AND DISTRIBUTION MECHANISMS

UKRAINE

33.343 M **GDP: EUR 176.01 Bn**

CONTACT INFORMATION

COUNTRY	Ukraine
CURRENCY	UAH
NAME ORGANIZATION	UMA
WEB SITE	www.uma.in.ua
E-MAIL	ukrmusicians.association@gmail.com

OVERVIEW

COLLECTING SOCIETY APPOINTED BY	UKRAINIAN MUSIC ALLIANCE (UMA) was appointed (accredited) by the Ministry of Economic Development, Trade and Agriculture of Ukraine on 18 February 2020. On 13 January 2022, the accreditation was withdrawn by the Ministry based on a court decision. ALL-UKRAINIAN AUTHOR'S RIGHTS AGENCY was appointed (accredited) by the Ministry of Economic Development, Trade and Agriculture of Ukraine on 18 February 2020. On 11 January 2022 the accreditation was withdrawn by the Ministry based on a court decision. All accreditation procedures have been statutorily frozen due to the ongoing war of aggression launched by the Russian Federation against Ukraine on 24 February 2022 for the duration of martial law (para. 3-4 Transitional provisions of the Law 2415-VIII dated 15 May 2018 "On Effective Management of Copyrights of Rightsholders in the Field of Copyright and (or) Related Rights"). Until martial law is cancelled, the Ministry has no powers to start the accreditation procedure to fill gaps left by annulled or expired accreditations. New procedures may only be initiated within the period prescribed by law after martial law has been terminated. In practical terms, this has frozen the accreditation landscape and limited the Ministry's ability to restore full coverage of mandatory collective management (reprography and private copying).
EXCEPTION	Yes
LEVY	Equipment: Yes Media: Yes Reprography: Yes
TARIFFS	Levies are determined by negotiations between the collecting society and users, users' associations and unions. If no consensus is reached during negotiation, the levies should be set by the court. Since the accreditation was withdrawn in accordance with the court decision, no tariffs were established.
BENEFICIARIES	Appropriate rightsholders of copyright and related rights

UKRAINE

OVERVIEW

LIABLE	Importers and manufacturers are liable for payment.
EXEMPTION	Export, professional equipment, equipment and media imported for personal purposes
SOCIAL AND CULTURAL DEDUCTIONS	Yes: 25%

RATE SETTING

Levies to be determined by negotiations between the collecting society and users, users' associations and unions. If no consensus is reached during negotiation, the levies should be set by the court. Since the accreditations of both CMOs were withdrawn in accordance with the court decisions in early 2022, and immediately after that, the accreditation process was statutorily banned due to the martial law period, and no tariffs have been established to date.

REFURBISHED DEVICES

The following categories are exempt from the private copying levy payment:

1) Equipment imported by individuals for private purposes;
2) professional equipment;
3) Equipment exported outside Ukraine.

COLLECTION PROCESS

HOW IS COLLECTION ORGANIZED?

Manufacturers pay the levy within 30 days after the sale of the equipment or material carriers, while importers pay within 30 days from customs clearance.
Manufacturers and importers must also provide documented information on the quantities produced or imported.

HOW FREQUENTLY IS PAYMENT DUE?

Payment is due 30 days after selling or importing.

HOW DO YOU MONITOR THE MARKET?

Because of the lack of accredited CMOs, there are no instruments to monitor the market.

COLLABORATION WITH TAX AUTHORITIES/CUSTOMS

According to Ukrainian legislation, CMOs don't have legal grounds to receive information directly from tax authorities/customs.

ARE EXPORTS EXEMPTED?

Yes

DEFINITION OF IMPORT

Import means the bringing of goods into the customs territory of the importing country for consumption in that country.

UKRAINE

COLLECTION PROCESS

WHO IS CONSIDERED IMPORTER?

Importer means a business entity that declares the entry of goods into the customs territory of the importing country.

DISTRIBUTION PROCESS

WHO DISTRIBUTES THE COLLECTED REMUNERATIONS TOWARDS RIGHTSHOLDERS?

The amounts of collected remuneration shall be distributed by the accredited CMOs only.

IS THERE A MAXIMUM PERCENTAGE OF ADMINISTRATIVE COSTS FOR COLLECTING/DISTRIBUTION PRIVATE COPYING REMUNERATIONS IN THE WHOLE CHAIN DETERMINED BY LAW?

Yes, the law prescribes that the administrative costs shall not exceed

- 20% of the amount collected for the benefit of the rightholder in case the remunerations are being paid directly to the rightholder;
- one third of the total maximum administrative fees of all collective management organisations involved in the process of collecting and distributing rights revenue to the rightholder in case the remunerations a being paid to the partnering CMO.

FREQUENCY OF DISTRIBUTION

Annually; CMOs must distribute funds within six months of their receipt.

WHICH RIGHTSHOLDERS ARE INCLUDED?

Authors, performers, rightholders.

HOW ARE THE DISTRIBUTION SCHEMES DETERMINED?

Under the general scheme, a fixed share of the collected revenue (25%) is allocated to the development of Ukrainian culture under a procedure approved by the Cabinet of Ministers of Ukraine.

The remaining amount is distributed equally between:

1) Holders of exclusive rights in musical works;
2) Holders of exclusive rights in audiovisual works;
3) authors and performers of an audiovisual work or their heirs;
4) Holders of exclusive rights to phonograms (videograms);
5) Performers of works fixed in phonograms (videograms) or their successors.

SOCIAL AND CULTURAL FUNDS

Social and Cultural deductions total 25% of total revenue collections from the date of the adoption of the new law. The deductions are made to the Ukrainian Culture Fund, with beneficiaries including different creators.

UKRAINE

LEGAL BASIS

EXCEPTION

Copyright Law No. 2811-IX dated 1 December 1, 2022

General Scheme:

Article 28 — Free reproduction of works for personal purposes

(2) Private copies of audio/video content with remuneration

Reproduction for personal purposes of works fixed in phonograms, videograms and audiovisual works is permitted without authorization, subject to payment of equitable remuneration to the rightholders. The procedure for payment is determined by the Law on Effective Management of Property Rights (2018).

Reprographic Devices:

Article 28 — Free reproduction of works for personal purposes

(3) Reprography with remuneration

Reprographic copying of works for personal use or within the family circle is likewise permitted with payment of equitable remuneration, with the payment procedure determined by the same Collective Management Law.

LEVY

Law 2415-VIII dated 15 May 2018

"On Effective Management of Copyright Holders in the Field of Copyright and(or) Related Rights"

General Scheme:

Article 23. Procedure for collection and distribution of remuneration for reprographic reproduction of works and private copying

2. The remuneration for private copying (reproduction at home and for personal purposes of works and performances recorded in phonograms, videograms, as well as audiovisual works) shall be collected from producers and (or) importers of digital, analogue, and other equipment and material carriers, with the use of which the reprographic reproduction of works may be exercised, under the conditions provided by the Law of Ukraine "On Copyright and Related Rights".The remuneration for private copying shall be paid in the form of deductions (as a percentage) of the cost of equipment and material carriers, with the use of which the reprographic reproduction of works may be exercised, except for:

1) professional equipment and (or) material carriers not intended for use at home;
2) equipment and material carriers exported outside the customs territory of Ukraine;
3) equipment and material carriers, imported by an individual on the customs territory of Ukraine exclusively for personal purposes and without a commercial purpose.

Reprographic Devices:

Article 23. Procedure for collection and distribution of remuneration for reprographic reproduction of works and private copying

1. Remuneration for reprographic reproduction of works shall be collected from producers and (or) importers of equipment and material carriers, with the use of which the reprographic reproduction of works may be exercised.

The remuneration for the reproduction of works shall be paid in the form of deductions (as a percentage) of the cost of equipment and material carriers, with the use of which the reprographic reproduction of works may be exercised.

UKRAINE

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

Law 2415-VIII dated 15 May 2018

1. Principle: equal shares

Article 23. Procedure for collection and distribution of remuneration for reprographic reproduction of works and private copying

5. Twenty-five percent of the remuneration collected for the reprographic reproduction of works shall be directed to funding the development of Ukrainian culture. The procedure and conditions for the transfer by an accredited collective management organisation of the corresponding funds to a state institution that performs special functions in promoting the national-cultural development of Ukraine shall be approved by the Cabinet of Ministers of Ukraine.

The remaining amount of the remuneration collected by the accredited organisation for reprographic reproduction of works indicated in paragraph one of this part, shall be distributed for the following categories of rightsholders in the respective shares:

authors of works of science, artistic literature - 50 percent;

authors of fine art, photographic and other similar works - 10 percent;

publishers - 40 percent.

6. Twenty-five percent of the remuneration collected for private copying shall be directed to funding the development of Ukrainian culture. The procedure and conditions for the transfer by an accredited collective management organisation of the corresponding funds to a state institution that performs special functions in promoting the national-cultural development of Ukraine shall be approved by the Cabinet of Ministers of Ukraine.

The remaining amount of rights revenue collected for private copying specified in paragraph one of this part shall be distributed in equal proportions for the following categories of rightsholders:

1) persons holding proprietary copyrights in musical works;
2) persons holding proprietary copyrights in audiovisual works;
3) authors and performers of an audiovisual work or their heirs;
4) persons holding proprietary related rights in phonograms (videograms);
5) performers of works recorded in phonograms (videograms) or their heirs.

2. Frequency and deadlines for distribution & payment

Article 21. Distribution of rights revenue, deduction of administration fee and other payments

The CMO's statute must provide for distribution **at least once per year**.

CMOs must distribute and pay out the collected revenue to rightsholders (including those represented via other CMOs) as quickly as possible and **no later than nine months** after the end of the financial year in which the revenue was collected, unless there are objective reasons preventing timely distribution (such as missing reports from users, inability to identify rightholders, or mismatches in work/rightsholder data).

An accredited CMO distributes its share to the rightsholders it represents and **forwards the other shares** to CMOs representing other categories of rightsholders; those CMOs must then distribute/pay their part as soon as possible and **within six months** of receiving the money, again subject only to objective obstacles of the same type.

UKRAINE

LEGAL BASIS

COLLECTION AND DISTRIBUTION SYSTEMS

3. Undistributable amounts / separate accounting

If amounts due to rightsholders cannot be distributed within the prescribed time limits because rightsholders cannot be identified or located, and no exception applies, those amounts must be recorded on a **separate (sub-)account** in the CMO's books.

LEGAL DEVELOPMENTS

All accreditation procedures have been statutorily frozen due to the ongoing war of aggression launched by the Russian Federation against Ukraine on 24 February 2022 for the duration of martial law (para. 3-4 Transitional provisions of the Law 2415-VIII dated 15 May 2018 "On Effective Management of Copyrights of Right Holders in the Field of Copyright and (or) Related Rights"). Until martial law is cancelled, the Ministry has no powers to start the accreditation procedure to fill gaps left by annulled or expired accreditations. New procedures may only be initiated within the period prescribed by law after martial law has been terminated. In practical terms, this has frozen the accreditation landscape and limited the Ministry's ability to restore full coverage of mandatory collective management (reprography and private copying).

TARIFFS IN LOCAL CURRENCY

Detailed information not provided

The amount of deductions paid by manufacturers and importers of equipment and levies applied locally to works and performances recorded in phonograms and (or) videograms. Rates as of July 3, 2014.

Note: Amount of deductions applied to equipment and media (excluding VAT):
For importers – percentage of the value specified in the foreign trade agreement (contract);
For manufacturers – percentage of the sales price.

REVENUES IN LOCAL CURRENCY

Collection in '000 UAH	2015	2016	2017	2018	2019	2020
Total revenues UARA	1,675	1,007	6,755	2,400	6,480	-
Total revenues UMA	3,035	2,217	6,612	6,637	6,406	10,981
Total	**4,710**	**3,224**	**13,367**	**9,037**	**12,886**	**10,981**

UKRAINE

Notes:
All tariff negotiation as well as accreditation procedures have been statutorily frozen due to the ongoing war of aggression launched by the Russian Federation against Ukraine on 24 February 2022 for the duration of martial law (para. 3-4 Transitional provisions of the Law 2415-VIII dated 15 May 2018 "On Effective Management of Copyrights of Right Holders in the Field of Copyright and (or) Related Rights") until cancellation of martial law.

INTRODUCTION
OCEANIA

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Oceania is a vast region composed of thousands of islands scattered throughout the Pacific Ocean. It is the smallest continent in terms of land area and the least populated. In the smaller Pacific nations, many of the copyright laws are outdated and not well enforced.

From a private copying remuneration viewpoint, none of the sixteen studied countries and territories has a private copying remuneration exception. Five countries and one territory have not included a private copying exception in their copyright law (French Polynesia, Kiribati, Micronesia, Nauru, Solomon Islands and Tuvalu).

Palau, Papua New Guinea, Samoa, Tonga, and Vanuatu have implemented an exception for private copying, but limited to one copy of a work. In Fiji, the Copyright Act provides a "time-shifting" exception, which allows individuals to record a television or radio broadcast and watch or listen to it later. The Marshall Islands law also provides an exception for people transferring or causing the transfer of works without any intent to make a commercial benefit. No compensation for rightsholders accompanies these exceptions.

The French territory of New Caledonia has passed a new law in 2023 including a right to remuneration for private copying, but due to a moratorium, is not currently being enforced.

The last two countries in this region, Australia and New Zealand, have significant potential revenue sources for creators. Both have an exception for private copying included in their laws, as well as 'time-shifting' and 'format-shifting' exceptions in Australia, but still without any compensation for rightsholders.

In the few countries that provide for some form of exception for private copying, four specifically exclude Reprography from its scope (Palau, Papua New Guinea, Tonga and Vanuatu).

CONTENT
OCEANIA

2/2

CATEGORY 1

503 OCEANIA: COUNTRIES/TERRITORIES WITHOUT PRIVATE COPYING EXCEPTION

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CATEGORY 2

504 OCEANIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

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OCEANIA
COUNTRIES/TERRITORIES WITHOUT PRIVATE COPYING EXCEPTION

1/1

KIRIBATI

MICRONESIA

NAURU

SOLOMON ISLANDS

TUVALU

OCEANIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

AUSTRALIA

27.122 M **GDP: EUR 1660.79 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Australia		
CURRENCY	AUD		
NAME ORGANIZATION	APRA-AMCOS	ASDACS	AWGACS
WEB SITE	www.apraamcos.com.au	http://asdacs.com.au	www.awgacs.org.au/
E-MAIL	apra@apra.com.au	asdacs@asdacs.com.au	awgacs@awg.com.au

OVERVIEW

EXCEPTION	Yes, there is an unremunerated exception which allows a copy of a sound recording for a private and domestic use. There are also exceptions known as "format-shifting" (a person is allowed to copy certain types of material that he or she owns for private and domestic use into a different 'format') and "time-shifting" (a person is allowed to record a television or radio broadcast and watch or listen to it later).
LEVY	No

LEGAL BASIS

Copyright Act 1968 (consolidated as of July 1, 2022)

EXCEPTION

Unremunerated exceptions for private use

Section 43C – books, newspapers, periodicals
Section 47J – photographs
Section 109A – sound recordings
Section 110AA – cinematograph films or other subject-matter included in the film

Unremunerated exception for time-shifting:

Section 111 – broadcast cinematograph films and sound recordings or other subject-matter included therein.

OCEANIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

FIJI

0.923 M **GDP: EUR 5.5 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Fiji
CURRENCY	FJD

OVERVIEW

EXCEPTION	Yes, there is an exception for research and private study and an exception for "time-shifting" which allows a person to record a television or radio broadcast and watch or listen to it later.
LEVY	No

LEGAL BASIS

EXCEPTION

Article 42 of the Copyright Act of 1999 – Research or private study

42.-(1) Copying a work for the purposes of research or private study by an individual does not infringe copyright in a literary, dramatic, musical or artistic work, unless there is a collective licence available of which the individual is or should be aware under which the copying can be done.

Article 76 of the Copyright Act of 1999 - Recording for purposes of time shifting

(1) The making for private and domestic use of a recording of a broadcast or cable programme solely for the purpose of enabling the recording to be viewed or listened to at a more convenient time does not infringe copyright in the broadcast or cable programme or in any work included in the broadcast or cable programme.

(2) A recording that is (a) made under subsection (1) and (b) retained for any longer than is reasonably necessary to enable the recording to be viewed or listened to at a more convenient time, infringes copyright in the broadcast or cable programme recorded and in any work included in the recording, and is to be treated as an infringing copy.

OCEANIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

MARSHALL ISLANDS

0.038 M **GDP: EUR 0.26 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Marshall Islands
CURRENCY	USD

OVERVIEW

EXCEPTION	Yes, only on sound recordings and audiovisual works.
LEVY	No

LEGAL BASIS

EXCEPTION

Unauthorized Copies of Recorded Materials Act, 1991 – Chapter Unauthorized copies of recorded materials

§204. This Chapter shall not apply to the following:

[...]

(d) solely for the personal use of the person transferring or causing the transfer of sound recordings or audiovisual works and with no intent to capitalize commercially on such reproduction.

OCEANIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

NEW ZEALAND

5.335 M **GDP: EUR 238.22 Bn**

1/2

CONTACT INFORMATION

COUNTRY	New Zealand
CURRENCY	NZD
NAME ORGANIZATION	APRA-AMCOS
WEB SITE	www.apraamcos.co.nz
E-MAIL	administrationnz@apra.co.nz

OVERVIEW

EXCEPTION	Yes, there is an exception for the reproduction of a sound recording for personal use and a "time-shifting" exception which allows a person to record a television or radio broadcast and watch or listen to it later.
LEVY	No

LEGAL BASIS

Copyright Act of 1994 (as consolidated in 2023)

EXCEPTION

Part 3 - Acts Permitted in relation to Copyright works
81A - Copying sound recording for personal use

(1) Copyright in a sound recording and in a literary or musical work contained in it is not infringed by copying the sound recording, if the following conditions are met:

(a) the sound recording is not a communication work or part of a communication work; and
(b) the copy is made from a sound recording that is not an infringing copy; and
(c) the sound recording is not borrowed or hired; and
(d) the copy is made by the owner of the sound recording; and
(e) that owner acquired the sound recording legitimately; and
(f) the copy is used only for that owner's personal use or the personal use of a member of the household in which the owner lives or both; and
(g) no more than 1 copy is made for each device for playing sound recordings that is owned by the owner of the sound recording; and
(h) the owner of the sound recording retains the ownership of both the sound recording and of any copy that is made under this section.

(2) For the avoidance of doubt, subsection (1) does not apply if the owner of the sound recording is bound by a contract that specifies the circumstances in which the sound recording may be copied.

OCEANIA: COUNTRIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

NEW ZEALAND

2/2

LEGAL BASIS

EXCEPTION

84 – Recording for purposes of time-shifting

1) A person (A) does not infringe copyright in a programme included in a communication work, or in any work included in it, by recording it, if:

(a) A makes the recording solely for A's personal use or the personal use of a member of the household in which A lives or both;
(b) A makes the recording solely for the purpose of viewing or listening to the recording at a more convenient time; and
(c) The recording is not made from an on-demand service; and
(d) A has lawful access to the communication work at the time of making the recording.

(2) However, subsection (1) does not apply, and A does infringe copyright in the communication work recorded and, in any work, included in the communication work, if:

(a) A retains the recording for any longer than is reasonably necessary for viewing or listening to the recording at a more convenient time; or
(b) In the event that the person who views or listens to the recording wishes to make a complaint to a complaint authority, A retains the recording for any longer than is reasonably necessary to prepare and despatch the complaint.

(3) If a person infringes copyright under subsection (2), the recording is treated as an infringing copy.

OCEANIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

PALAU

0.018 M **GDP: EUR 0.28 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Palau
CURRENCY	USD

OVERVIEW

EXCEPTION	Yes, there is an exception for the reproduction of a published work in a single copy for personal purposes.
LEVY	No

LEGAL BASIS

EXCEPTION

Section 7 of the Republic of Palau Copyright Act of 2003 - Private reproduction for personal purposes

(a) Notwithstanding the provisions of section 6, the private reproduction of a single copy of a published work shall be permitted without the authorization of the author or copyright owner, where the reproduction is made by a natural person for his or her own personal purposes.

(b) The permission provided in subsection (a) shall not extend to reproduction:

(1) of a work of architecture in the form of a building or other construction;
(2) in the form of reprography of the whole or a substantial part of a book or of a musical work in the form of notation;
(3) of the whole or a substantial part of a database in digital form;
(4) of a computer program, except as otherwise provided in this Act; and
(5) of any work in cases where reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or owner of the copyright.

OCEANIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

PAPUA NEW GUINEA

12.539 M **GDP: EUR 29.26 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Papua New Guinea
CURRENCY	PGK

OVERVIEW

EXCEPTION	Yes, there is an exception for the reproduction of a published works in a single copy for personal purposes.
LEVY	No

LEGAL BASIS

EXCEPTION

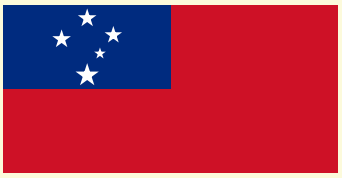
Article 8 of the Copyright and Neighbouring Rights Act of 2000 - Private reproduction for personal purposes

(1) Notwithstanding the provisions of section 6 (1) (a), the private reproduction of a published work in a single copy may be made without the authorisation of the author or owner of copyright, where the reproduction is made by a person exclusively for his own personal purposes.

(2) Subsection (1) does not apply to the reproduction:

(a) of a work of architecture in the form of building or other construction; or
(b) in the form of reprography of the whole or a substantial part of a book or of a musical work in the form of notation; or
(c) of the whole or a substantial part of a database in digital form; or
(d) of a computer program, except as provided in Section 13; or
(e) of any work in cases where reproduction would conflict with a normal exploitation

OCEANIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM



SAMOA

0.211 M **GDP: EUR 0.99 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Samoa
CURRENCY	WST

OVERVIEW

EXCEPTION	Yes, there is an exception for the reproduction of a published work in a single copy for personal purposes and for the reproduction for research or private study.
LEVY	No

LEGAL BASIS

EXCEPTION

Article 8 of the Copyright Act of 1998 (as consolidated in 2011) - Private reproduction for personal purposes

(1) Despite section 6(1)(a), and subject to subsection(2), the private reproduction of a published work in a single copy shall be permitted without the authorisation of the author or owner of copyright, where the reproduction is made by a physical person exclusively for his or her own personal purposes.

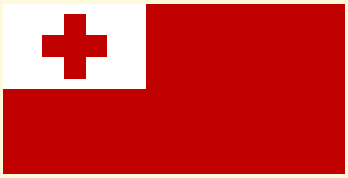
(2) The permission under subsection (1) does not extend to reproduction:

(a) of a work of architecture in the form of building or other construction.
(b) of the whole or a substantial part of a data base;
(c) of a computer program, except as provided in section 13; and
(d) of any work in cases where reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or other owner of the copyright.

Article 8A of the Copyright Act of 1988 (as consolidated in 2011) - Reproduction for purposes of research or private study

(l) Despite section 6(1)(a), but subject to subsection (2), a person reproducing a work for the purposes of research or private study is not to be regarded as infringing any of the copyright in that work. (2) Despite subsection (1), if a person reproducing the work knows or has reason to believe that it will result in copies of substantially the same material being provided to more than one person at substantially the same time, that person will not be regarded as reproducing the work for the purposes of subsection (1).

OCEANIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM



TONGA

0.099 M **GDP: EUR 0.5 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Tonga
CURRENCY	TOP

OVERVIEW

EXCEPTION	Yes, there is an exception for the reproduction of a published work in a single copy for personal purposes.
LEVY	No

LEGAL BASIS

EXCEPTION

Article 8 of the Copyright Act of 2002 (2020 Revised Edition) - Private reproduction for personal purposes

1) Notwithstanding section 6(1)(a), and subject to subsection (2), the private reproduction of a published work in a single copy shall be permitted without the authorisation of the author or owner of copyright, where the reproduction is made by a physical person exclusively for his or her own personal purposes.

(2) The permission under subsection (1) does not extend to reproduction:

(a) of a work of architecture in the form of building or other construction;
(b) in the form of reprography of the whole or a substantial part of a book or of a musical work in the form of notation;
(c) of the whole or a substantial part of a database in digital form;
(d) of a computer program, except as provided in section 14; or
(e) of any work in cases where reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or other owner of the copyright.

OCEANIA: COUNTRIES/TERRITORIES WITH A PRIVATE COPYING EXCEPTION BUT WITHOUT A REMUNERATION SYSTEM

VANUATU

0.345 M **GDP: EUR 1.11 Bn**

1/1

CONTACT INFORMATION

COUNTRY	Vanuatu
CURRENCY	VUV

OVERVIEW

EXCEPTION	Yes, there is an exception for the reproduction of a published works for personal purposes.
LEVY	No

LEGAL BASIS

EXCEPTION

Part 3 of the Copyright and Related Rights Act No. 42 of 2000 - Acts not constituting infringement of copyright in works private reproduction for personal purposes

10. (1) Subject to subsection (2), an individual may reproduce a published work in a single copy exclusively for his or her own personal purposes and the reproduction is not an infringement of the copyright in the work.

(2) An individual must not reproduce the following:

(a) a work of architecture in the form of a building or other construction;
(b) the whole or a substantial part of a book or musical work in the form of notation;
(c) the whole or a substantial part of a database in digital form;
(d) a computer program, except as provided for in section 16;
(e) any work if the reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the owner of the copyright.

SUMMARY TABLE

AFRICA

Y: Yes
N: No

Country	Exception	Levy	Collection and Distribution System	Cultural & Social Deductions	Reprography	Reference Page
Algeria	Y	Y	Y	Y	Y	108
Angola	Y	Y	N	N	N	54
Benin	Y	Y	N	N	Y	57
Botswana	Y	Y	Y	N	N	112
Burkina Faso	Y	Y	Y	Y	Y	116
Burundi	Y	Y	N	N	N	61
Cabo Verde	Y	Y	Y	Y	N	121
Cameroon	Y	Y	N	Y	Y	125
Central African Republic	Y	N	N	N	N	32
Chad	Y	Y	N	N	N	64
Comoros	Y	N	N	N	N	33
Congo	Y	N	N	N	N	34
Côte d'Ivoire	Y	Y	Y	Y	Y	129
Democratic Republic of Congo	Y	Y	N	N	N	68
Djibouti	Y	Y	N	Y	N	70
Egypt	Y	N	N	N	N	35
Equatorial Guinea	N	N	N	N	N	31
Eritrea	Y	N	N	N	N	36
Eswatini	Y	N	N	N	N	37
Ethiopia	Y	N	N	N	N	38
Gabon	Y	Y	N	N	Y	74
Gambia	Y	N	N	N	N	39
Ghana	Y	Y	Y	Y	Y	135
Guinea	Y	Y	N	Y	Y	77
Guinea-Bissau	Y	N	N	N	N	40
Kenya	Y	Y	Y	N	N	141
Lesotho	Y	N	N	N	N	41
Liberia	Y	N	N	N	N	42
Libya	Y	N	N	N	N	43
Madagascar	Y	Y	N	Y	Y	81
Malawi	Y	Y	Y	Y	Y	144
Mali	Y	Y	N	Y	Y	86
Mauritania	Y	Y	N	Y	N	90
Mauritius	Y	Y	N	N	N	93
Morocco	Y	Y	Y	Y	Y	148
Mozambique	Y	Y	N	N	N	96
Namibia	Y	N	N	N	N	44
Niger	Y	Y	N	N	N	99
Nigeria	Y	Y	Y	N	N	153
Rwanda	Y	N	N	N	N	45
Sao Tome and Principe	Y	N	N	N	N	46
Senegal	Y	Y	N	N	N	103
Seychelles	Y	N	N	N	N	47
Sierra Leone	Y	N	N	N	N	48
Somalia	N	N	N	N	N	31
South Africa	Y	N	N	N	N	49
South Sudan	Y	N	N	N	N	50
Sudan	N	N	N	N	N	31
Tanzania	Y	Y	Y	Y	Y	155
Togo	Y	N	N	N	N	51
Tunisia	Y	Y	Y	Y	N	160
Uganda	Y	N	N	N	N	52
Zambia	N	N	N	N	N	31
Zimbabwe	Y	N	N	N	N	53

SUMMARY TABLE

Y: Yes
N: No

NORTH & SOUTH AMERICA

Country	Exception	Levy	Collection and Distribution System	Cultural & Social Deductions	Reprography	Reference Page
Antigua and Barbuda	Y	N	N	N	N	166
Argentina	N	N	N	N	N	165
Bahamas	Y	N	N	N	N	167
Barbados	Y	N	N	N	N	168
Belize	Y	N	N	N	N	169
Bolivia	N	N	N	N	N	165
Brazil	Y	N	N	N	N	170
Canada	Y	Y	Y	N	N	191
Chile	N	N	N	N	N	165
Colombia	Y	N	N	N	N	171
Costa Rica	Y	N	N	N	N	172
Cuba	Y	N	N	N	N	173
Dominica	Y	N	N	N	N	174
Dominican Republic	Y	Y	N	N	N	189
Ecuador	N	N	N	N	N	165
El Salvador	Y	N	N	N	N	175
Grenada	Y	N	N	N	N	176
Guatemala	Y	N	N	N	N	177
Guyana	N	N	N	N	N	165
Haiti	Y	N	N	N	N	178
Honduras	Y	N	N	N	N	179
Jamaica	N	N	N	N	N	165
Mexico	Y	N	N	N	N	180
Nicaragua	Y	N	N	N	N	181
Panama	Y	N	N	N	N	192
Paraguay	Y	Y	Y	Y	Y	197
Peru	Y	Y	Y	N	N	203
Saint Kitts and Nevis	Y	N	N	N	N	183
Saint Lucia	Y	N	N	N	N	184
Saint Vincent and the Grenadines	Y	N	N	N	N	185
Trinidad and Tobago	Y	N	N	N	N	187
United States of America	Y	Y	Y	N	N	205
Uruguay	N	N	N	N	N	165
Venezuela	Y	N	N	N	N	188

SUMMARY TABLE

Y: Yes
N: No

ASIA

Country / Territory	Exception	Levy	Collection and Distribution System	Cultural & Social Deductions	Reprography	Reference Page
Afghanistan	Y	N	N	N	N	211
Armenia	Y	N	N	N	N	212
Azerbaijan	Y	Y	N	N	N	241
Bahrain	Y	N	N	N	N	213
Bangladesh	Y	N	N	N	N	214
Bhutan	Y	N	N	N	N	215
Brunei Darussalam	N	N	N	N	N	210
Cambodia	Y	N	N	N	N	216
China	Y	N	N	N	N	217
Democratic People's Republic of Korea	Y	N	N	N	N	218
Hong Kong SAR	N	N	N	N	N	210
India	Y	N	N	N	N	219
Indonesia	Y	N	N	N	N	220
Iran	Y	N	N	N	N	221
Iraq	Y	N	N	N	N	222
Israel	Y	Y	Y	N	N	256
Japan	Y	Y	Y	Y	N	259
Jordan	Y	N	N	N	N	223
Kazakhstan	Y	Y	N	Y	N	245
Kuwait	Y	N	N	N	N	224
Kyrgyz Republic	Y	Y	N	N	N	250
Lao People's Democratic Republic	N	N	N	N	N	210
Lebanon	Y	N	N	N	N	225
Macao SAR	Y	N	N	N	N	226
Malaysia	N	N	N	N	N	210
Maldives	Y	N	N	N	N	227
Mongolia	Y	N	N	N	N	228
Myanmar	N	N	N	N	N	210
Nepal	Y	N	N	N	N	229
Oman	N	N	N	N	N	210
Pakistan	N	N	N	N	N	210
Philippines	N	N	N	N	N	210
Qatar	Y	N	N	N	N	230
Saudi Arabia	Y	N	N	N	N	231
Singapore	Y	N	N	N	N	232
South Korea	Y	N	N	N	N	233
Sri Lanka	Y	N	N	N	N	234
Syria	N	N	N	N	N	210
Taiwan, Chinese Taipei	Y	N	N	N	N	235
Tajikistan	Y	N	N	N	N	236
Thailand	Y	N	N	N	N	237
Timor-Leste	N	N	N	N	N	210
Türkiye	Y	Y	Y	Y	Y	266
Turkmenistan	Y	Y	N	N	N	252
United Arab Emirates	Y	N	N	N	N	238
Uzbekistan	Y	Y	N	N	Y	254
Vietnam	Y	N	N	N	N	239
Yemen	Y	N	N	N	N	240

SUMMARY TABLE 4/5

Y: Yes
N: No

EUROPE

Country	Exception	Levy	Collection and Distribution System	Cultural & Social Deductions	Reprography	Reference Page
Albania	Y	N	N	N	Y	272
Andorra	Y	Y	N	N	N	276
Austria	Y	Y	Y	Y	Y	297
Belarus	Y	Y	N	N	N	278
Belgium	Y	Y	Y	Y	Y	306
Bosnia and Herzegovina	Y	Y	Y	Y	Y	313
Bulgaria	Y	Y	N	N	N	280
Croatia	Y	Y	Y	Y	Y	318
Cyprus	Y	Y	N	N	N	285
Czech Republic	Y	Y	Y	N	Y	324
Denmark	Y	Y	Y	Y	N	331
Estonia	Y	Y	Y	Y	N	338
Finland	Y	Y	Y	N	N	345
France	Y	Y	Y	Y	Y	349
Georgia	Y	Y	N	N	N	286
Germany	Y	Y	Y	N	Y	356
Greece	Y	Y	Y	Y	Y	367
Hungary	Y	Y	Y	Y	Y	372
Iceland	Y	Y	Y	N	N	378
Ireland	Y	N	N	N	N	274
Italy	Y	Y	Y	Y	N	382
Latvia	Y	Y	Y	Y	Y	389
Liechtenstein	Y	Y	Y	Y	Y	395
Lithuania	Y	Y	Y	Y	Y	401
Luxembourg	Y	Y	N	N	N	288
Malta	Y	Y	N	N	N	289
Moldova	Y	Y	Y	N	Y	411
Monaco	N	N	N	N	N	271
Montenegro	Y	Y	N	N	Y	290
Netherlands	Y	Y	Y	N	N	417
North Macedonia	Y	Y	N	N	Y	293
Norway	Y	Y	Y	N	N	424
Poland	Y	Y	Y	Y	Y	427
Portugal	Y	Y	Y	Y	Y	434
Romania	Y	Y	Y	Y	Y	443
Russian Federation	Y	Y	Y	Y	N	450
San Marino	Y	N	N	N	N	275
Serbia	Y	Y	Y	Y	Y	456
Slovak Republic	Y	Y	Y	N	Y	463
Slovenia	Y	Y	Y	Y	Y	468
Spain	Y	Y	Y	Y	Y	475
Sweden	Y	Y	Y	N	N	482
Switzerland	Y	Y	Y	Y	N	488
Ukraine	Y	Y	Y	Y	Y	494
United Kingdom	N	N	N	N	N	271

SUMMARY TABLE

Y: Yes
N: No

OCEANIA

Country	Exception	Levy	Collection and Distribution System	Cultural & Social Deductions	Reprography	Reference Page
Australia	Y	N	N	N	N	504
Fiji	Y	N	N	N	N	505
Kiribati	N	N	N	N	N	503
Marshall Islands	Y	N	N	N	N	506
Micronesia	N	N	N	N	N	503
Nauru	N	N	N	N	N	503
New Zealand	Y	N	N	N	N	507
Palau	Y	N	N	N	N	509
Papua New Guinea	Y	N	N	N	N	510
Samoa	Y	N	N	N	N	511
Solomon Islands	N	N	N	N	N	503
Tonga	Y	N	N	N	N	512
Tuvalu	N	N	N	N	N	503
Vanuatu	Y	N	N	N	N	513

DEVICES COVERED*

1/2

Y: Yes

Country	PC	Smarphones New	Smarphones Refurbished	Tablets	Cloud Personal Locker	TV video nPvR services	Portable Devices with integrated memory (USB Sticks, SD Cards, MP3 & MP4 walkman)	Magneto-Optical storage (i.e., data CDs and DVDs, Blu-Ray Disc)
Algeria	Y	Y		Y			Y	
Austria	Y	Y		Y			Y	Y
Belgium	Y	Y	Y	Y		Y	Y	Y
Bosnia & Herzegovina	Y	Y		Y			Y	Y
Botswana	Y	Y		Y			Y	
Burkina Faso								Y
Canada								Y
Côte d'Ivoire								Y
Croatia	Y	Y		Y			Y	Y
Czech Republic	Y	Y		Y			Y	Y
Denmark		Y		Y			Y	
Estonia		Y		Y			Y	Y
France		Y	Y	Y	Indirectly	Y	Y	Y
Germany	Y	Y	Y	Y			Y	Y
Ghana		Y	When imported	Y				Y
Greece	Y	Y	Y	Y			Y	Y
Hungary	Y	Y	Y	Y			Y	Y
Italy	Y	Y	Y	Y			Y	Y
Japan								Y
Kenya								
Latvia	Y	Y	Y	Y			Y	Y
Liechtenstein		Y	Y	Y		Y	Y	Y
Lithuania	Y	Y	Y	Y			Y	Y
Malawi		Y		Y				
Moldova		Y	Y	Y			Y	Y
Morocco								Y
Netherlands	Y	Y	Y	Y	Indirectly		Y	
Paraguay	Y	Y		Y			Y	Y
Poland			Y				Y	Y
Portugal	Y	Y	Y	Y			Y	Y
Romania	Y	Y	Y	Y			Y	Y
Russian Federation		Y		Y			Y	Y
Serbia		Y		Y			Y	
Slovak Republic	Y	Y	Y	Y			Y	Y
Slovenia	Y	Y	Y	Y			Y	Y
Spain	Y	Y	Y	Y			Y	Y
Sweden		Y		Y				Y
Switzerland	Y	Y	Y	Y		Y	Y	Y
Tanzania	Y	Y		Y			Y	
Tunisia			Not yet					
Türkiye	Y	Y		Y			Y	Y
Ukraine		Y		Y			Y	Y
USA								Y

*Finland, Iceland and Norway: State funding

DEVICES COVERED FOR REPROGRAPHY 2/2

Y: Yes

Country	Devices	Operator Fees
Albania		
Algeria		
Austria	Photocopiers; Fax machines; Scanners; Printers; Multifunction devices (MFDs)	Y
Belgium	Printers; MFDs	Y
Benin		
Bosnia and Herzegovina	Photocopiers; Scanners	Y
Burkina Faso		
Cameroon		Y
Côte d'Ivoire	Photocopiers; Printers; Scanners; Fax machines; Duplicators; MFDs	
Croatia	Photocopiers	
Czech Republic	Printers; MDFs	Y
France		
Gabon	Photocopiers and similar equipment	
Germany	Fax machines; Printers; MFDs	Y
Ghana	General functional scope	
Greece	Photocopiers; Scanners; Printers; Fax; MFDs	
Guinea		
Hungary	Photocopiers; Scanners; Printers; Fax; MFDs	Y
Latvia		
Liechtenstein		
Lithuania	Photocopiers; Fax machines; Scanners; Printers; MFDs	
Madagascar		
Malawi	Photocopiers; Scanners; Printers; MFDs	Y
Mali	Printers; Scanners; Photocopiers	
Moldova		
Montenegro		
Morocco		Y
North Macedonica		
Paraguay		
Poland	Photocopiers; Fax machines; Scanners; Printers; MFDs: Paper	Y
Portugal	Photocopiers; Printers; MFDs	
Romania	Paper	
Serbia		
Slovak Republic	Photocopiers; Printers; Scanners; Fax machines; MFDs; E-book readers	Y
Slovenia	Photocopiers; Fax machines; Scanners; Printers; MFDs	Y
Spain	Hand Scanner, Printers, Multifuction, Scanner	
Turkiye	Photocopiers; Fax machines; Printers;MFDs	
Tanzania	Photocopiers; Printers; Scanners; Printing plates	Y
Ukraine		
Uzbekistan		

RELEVANT CASE LAW FROM THE EUROPEAN COURT (ECJ)

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I. Private Copying Cases 522

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C-457/11-C-460/11, June 27, 2013 – VG Wort/Kyocera 523
C-521/11, July 11, 2013 – Amazon/Austro-Mechana 524
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C-37/16, January 18, 2017 – Minister Finansów/SAWP 528
C-265/16, November 29, 2017 – VCAST Limited/R.T.I. SpA 528
C-433/20, March 24, 2022 – Austro-Mechana/Strato 529
C-263/21, September 8, 2022 – Ametic 530
C-426/21, July 13, 2023 – Ocilion IPTV 531
C-260/22, November 23, 2023 – Seven.One Entertainment Group GmbH/Corint media GmbH 532
C-179/23, July 4, 2024 – Credidam 532
C-230/23, November 14, 2024 – Reprobel/Copaco 532
C-822/24, January 15, 2026 – Bluechip 533

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C-496/24, July 17, 2024 – Offline streaming copies 533
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RELEVANT CASE LAW FROM THE EUROPEAN COURT (ECJ)

2/15

I. PRIVATE COPYING CASES

C-467/08, October 21, 2010 – Padawan/SGAE
Non-discriminatory application of the private copying levy.

1. The concept of "fair compensation", within the meaning of Article 5(2)(b) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society, is an autonomous concept of European Union law which must be interpreted uniformly in all the Member States that have introduced a private copying exception, irrespective of the power conferred on the Member States to determine, within the limits imposed by European Union law in particular by that directive, the form, detailed arrangements for financing and collection, and the level of that fair compensation.
2. Article 5(2)(b) of Directive 2001/29 must be interpreted as meaning that the "fair balance" between the persons concerned means that fair compensation must be calculated on the basis of the criterion of the harm caused to authors of protected works by the introduction of the private copying exception. It is consistent with the requirements of that "fair balance" to provide that persons who have digital reproduction equipment, devices and media and who on that basis, in law or in fact, make that equipment available to private users or provide them with copying services are the persons liable to finance the fair compensation, inasmuch as they are able to pass on to private users the actual burden of financing it.
3. Article 5(2)(b) of Directive 2001/29 must be interpreted as meaning that a link is necessary between the application of the levy intended to finance fair compensation with respect to digital reproduction equipment, devices and media and the deemed use of them for the purposes of private copying. Consequently, the indiscriminate application of the private copying levy, in particular with respect to digital reproduction equipment, devices and media not made available to private users and clearly reserved for uses other than private copying, is incompatible with Directive 2001/29.

C-462/09, June 16, 2011 – Stichting de Thuiskopie/Opus GmbH
Cross-border transactions and applicability of the exception.

1. Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society, in particular Article 5(2)(b) and (5) thereof, must be interpreted as meaning that the final user who carries out, on a private basis, the reproduction of a protected work must, in principle, be regarded as the person responsible for paying the fair compensation provided for in Article 5(2)(b). However, it is open to the Member States to establish a private copying levy chargeable to the persons who make reproduction equipment, devices and media available to that final user, since they are able to pass on the amount of that levy in the price paid by the final user for that service.
2. Directive 2001/29, in particular Article 5(2)(b) and (5) thereof, must be interpreted as meaning that it is for the Member State which has introduced a system of private copying levies chargeable to the manufacturer or importer of media for reproduction of protected works, and on the territory of which the harm caused to authors by the use for private purposes of their work by purchasers who reside there occurs, to ensure that those authors actually receive the fair compensation intended to compensate them for that harm. In that regard, the mere fact that the commercial seller of reproduction equipment, devices and media is established in a Member State other than that in which the purchasers reside has no bearing on that obligation to achieve a certain result. It is for the national court, where it is impossible to ensure recovery of the fair compensation from the purchasers, to interpret national law in order to allow recovery of that compensation from the person responsible for payment who is acting on a commercial basis.

RELEVANT CASE LAW FROM THE EUROPEAN COURT (ECJ)

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C-277/10, February 9, 2012 – Luksan/Van der Let

Author is entitled directly and originally to the right of fair compensation.

1. Articles 1 and 2 of Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission, and Articles 2 and 3 of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society in conjunction with Articles 2 and 3 of Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property and with Article 2 of Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the term of protection of copyright and certain related rights, must be interpreted as meaning that rights to exploit a cinematographic work such as those at issue in the main proceedings (reproduction right, satellite broadcasting right and any other right of communication to the public through the making available to the public) vest by operation of law, directly and originally, in the principal director. Consequently, those provisions must be interpreted as precluding national legislation which allocates those exploitation rights by operation of law exclusively to the producer of the work in question.
2. European Union law must be interpreted as allowing the Member States the option of laying down a presumption of transfer, in favor of the producer of a cinematographic work, of rights to exploit the cinematographic work such as those at issue in the main proceedings (satellite broadcasting right, reproduction right and any other right of communication to the public through the making available to the public), provided that such a presumption is not an irrefutable one precluding the principal director of that work from agreeing otherwise.
3. European Union law must be interpreted as meaning that, in his capacity as author of a cinematographic work, the principal director thereof must be entitled, by operation of law, directly and originally, to the right to the fair compensation provided for in Article 5(2)(b) of Directive 2001/29 under the 'private copying' exception.
4. European Union law must be interpreted as not allowing the Member States the option of laying down a presumption of transfer, in favor of the producer of a cinematographic work, of the right to fair compensation vesting in the principal director of that work, whether that presumption is couched in irrefutable terms or may be departed from.

C-457/11-C-460/11, June 27, 2013 – VG Wort/Kyocera

Technological measures; consequences of an authorization to reproduce works.

1. In the context of an exception or limitation provided for by Article 5(2) or (3) of Directive 2001/29, an act by which a rightholder may have authorized the reproduction of his protected work or other subject-matter has no bearing on the fair compensation owed, whether it is provided for on a compulsory or an optional basis under the relevant provision of that directive.
2. The possibility of applying technological measures under Article 6 of Directive 2001/29 cannot render inapplicable the condition relating to fair compensation provided for by Article 5(2)(b) of that directive.
3. The concept of 'reproductions effected by the use of any kind of photographic technique or by some other process having similar effects' within the meaning of Article 5(2)(a) of Directive 2001/29 must be interpreted as including reproductions effected using a printer and a personal computer, where the two are linked together. In this case, it is open to the Member States to put in place a system in which the fair compensation is paid by the persons in possession of a device contributing, in a non-autonomous manner, to the single process of reproduction of the protected work or other subject-matter on the given medium, in so far as those persons have the possibility of passing on the cost of the levy to their customers, provided that the overall amount of the fair compensation owed as recompense for the harm suffered by the author at the end of that single process must not be substantially different from the amount fixed for a reproduction obtained by means of a single device.

RELEVANT CASE LAW FROM THE EUROPEAN COURT (ECJ)

4/15

C-521/11, July 11, 2013 – Amazon/Austro-Mechana

Non-discriminatory application of the levy combined with a right to reimbursement for levies paid; payment of the revenue in part to social or cultural institutions; double payment in cross-border transactions.

1. Article 5(2)(b) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society must be interpreted as meaning that it does not preclude legislation of a Member State which indiscriminately applies a private copying levy on the first placing on the market in its territory, for commercial purposes and for consideration, of recording media suitable for reproduction, while at the same time providing for a right to reimbursement of the levies paid in the event that the final use of those media does not meet the criteria set out in that provision, where, having regard to the particular circumstances of each national system and the limits imposed by that directive, which it is for the national court to verify, practical difficulties justify such a system of financing fair compensation and the right to reimbursement is effective and does not make repayment of the levies paid excessively difficult.
2. Article 5(2)(b) of Directive 2001/29 must be interpreted as meaning that, in the context of a system of financing of fair compensation under that provision by means of a private copying levy to be borne by persons who first place recording media suitable for reproduction on the market in the territory of the Member State concerned for commercial purposes and for consideration, that provision does not preclude the establishment by that Member State of a rebuttable presumption of private use of such media where they are marketed to natural persons, where the practical difficulties of determining whether the purpose of the use of the media in question is private justify the establishment of such a presumption and provided that the presumption established does not result in the imposition of the private copying levy in cases where the final use of those media clearly does not fall within the case referred to in that provision.
3. Article 5(2)(b) of Directive 2001/29 must be interpreted as meaning that the right to fair compensation under that provision or the private copying levy intended to finance that compensation cannot be excluded by reason of the fact that half of the funds received by way of such compensation or levy is paid, not directly to those entitled to such compensation, but to social and cultural institutions set up for the benefit of those entitled, provided that those social and cultural establishments actually benefit those entitled and the detailed arrangements for the operation of such establishments are not discriminatory, which it is for the national court to verify.
4. Article 5(2)(b) of Directive 2001/29 must be interpreted as meaning that the obligation undertaken by a Member State to pay, on the placing on the market, for commercial purposes and for consideration, of recording media suitable for reproduction, a private copying levy intended to finance the fair compensation under that provision may not be excluded by reason of the fact that a comparable levy has already been paid in another Member State.

C-435/12, April 10, 2014 – ACI Adam/Stichting de Thuiskopie

Lawful nature of the origin of the copy.

1. EU law, in particular Article 5(2)(b) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society, read in conjunction with paragraph 5 of that article, must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which does not distinguish the situation in which the source from which a reproduction for private use is made is lawful from that in which that source is unlawful.
2. Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights must be interpreted as not applying to proceedings, such as those in the main proceedings, in which those liable for payment of the fair compensation bring an action before the referring court for a ruling against the body responsible for collecting that remuneration and distributing it to copyright holders, which defends that action.

RELEVANT CASE LAW FROM THE EUROPEAN COURT (ECJ)

5/15

C-463/12, March 5, 2015 – Copydan Båndkopi/Nokia Danmark

Equal treatment; reimbursement scheme; consequences of an authorization to reproduce works.

1. Article 5(2)(b) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society does not preclude national legislation which provides that fair compensation is to be paid, in accordance with the exception to the reproduction right for copies made for private use, in respect of multifunctional media such as mobile telephone memory cards, irrespective of whether the main function of such media is to make such copies, provided that one of the functions of the media, be it merely an ancillary function, enables the operator to use them for that purpose. However, the question whether the function is a main or an ancillary one and the relative importance of the medium's capacity to make copies are liable to affect the amount of fair compensation payable. In so far as the prejudice to the rightholder may be regarded as minimal, the making available of such a function need not give rise to an obligation to pay fair compensation.
2. Article 5(2)(b) of Directive 2001/29 does not preclude national legislation which makes the supply of media that may be used for copying for private use, such as mobile telephone memory cards, subject to the levy intended to finance fair compensation payable in accordance with the exception to the reproduction right for copies for private use, but does not make the supply of components whose main purpose is to store copies for private use, such as the internal memories of MP3 players, subject to that levy, provided that those different categories of media and components are not comparable or the different treatment they receive is justified, which is a matter for the national court to determine.
3. Article 5(2)(b) of Directive 2001/29 must be interpreted as not precluding national legislation which requires payment of the levy intended to finance fair compensation, in accordance with the exception to the reproduction right for copies for private use, by producers and importers who sell mobile telephone memory cards to business customers and are aware that those cards will be sold on by those customers but do not know whether the final purchasers of the cards will be individuals or business customers, on condition that: the introduction of such a system is justified by practical difficulties; the persons responsible for payment are exempt from the levy if they can establish that they have supplied the mobile telephone memory cards to persons other than natural persons for purposes clearly unrelated to copying for private use, it being understood that the exemption cannot be re stricted to the supply of business customers registered with the organization responsible for administering the levy; the system provides for a right to reimbursement of that levy which is effective and does not make it excessively difficult to repay the levy and only the final purchaser of such a memory card may obtain reimbursement by submitting an appropriate application to that organization.
4. Article 5(2)(b) of Directive 2001/29, read in the light of recital 35 in the preamble to that directive, must be interpreted as permitting the Member States to provide, in certain cases covered by the exception to the reproduction right for copies for private use, for an exemption from the requirement under that exception to pay fair compensation, provided that the prejudice caused to rightsholders in such cases is minimal. It is within the discretion of the Member States to set the threshold for such prejudice, it being understood that that threshold must, inter alia, be applied in a manner consistent with the principle of equal treatment.
5. Directive 2001/29 is to be interpreted as meaning that, where a Member State has decided, pursuant to Article 5(2) of that directive, to exclude, from the material scope of that provision, any right for rightsholders to authorize reproduction of their works for private use, any authorization given by a rightsholder for the use of files containing his works can have no bearing on the fair compensation payable in accordance with the exception to the re production right for reproductions made in accordance with Article 5(2)(b) of that directive with the aid of such files and cannot, of itself, give rise to an obligation on the part of the user of the files concerned to pay remuneration of any kind to the rightsholder.
6. The implementation of technological measures under Article 6 of Directive 2001/29 for devices used to reproduce protected works, such as DVDs, CDs, MP3 players and computers, can have no effect on the requirement to pay fair compensation in accordance with the exception to the reproduction right in respect of reproductions made for private use by means of such devices. However, the implementation of such measures may have an effect on the actual level of such compensation.

RELEVANT CASE LAW FROM THE EUROPEAN COURT (ECJ)

6/15

7. Directive 2001/29 precludes national legislation which provides for fair compensation, in accordance with the exception to the reproduction right, in respect of reproductions made using unlawful sources, namely from protected works which are made available to the public without the rightsholder's consent.
8. Directive 2001/29 does not preclude national legislation which provides for fair compensation, in accordance with the exception to the reproduction right, in respect of reproductions of protected works made by a natural person by or with the aid of a device which belongs to a third party.

C-572/13, November 12, 2015 – HP/Reprobel

Allocation of fair compensation to publishers, copying of sheet music.

1. Article 5(2)(a) and Article 5(2)(b) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society must be interpreted as meaning that, with regard to the phrase "fair compensation" contained in those provisions, it is necessary to draw a distinction according to whether the reproduction on paper or a similar medium effected by the use of any kind of photographic technique or by some other process having similar effects is carried out by any user or by a natural person for private use and for ends that are neither directly nor indirectly commercial.
2. Article 5(2)(a) and Article 5(2)(b) of Directive 2001/29 preclude national legislation, such as that at issue in the main proceedings, which authorizes the Member State in question to allocate a part of the fair compensation payable to rightsholders to the publishers of works created by authors, those publishers being under no obligation to ensure that the authors benefit, even indirectly, from some of the compensation of which they have been deprived.
3. Article 5(2)(a) and Article 5(2)(b) of Directive 2001/29 preclude, in principle, national legislation, such as that at issue in the main proceedings, which introduces an undifferentiated system for recovering fair compensation which also covers the copying of sheet music, and preclude such legislation which introduces an undifferentiated system for recovering fair compensation which also covers counterfeit reproductions made from unlawful sources.
4. Article 5(2)(a) and Article 5(2)(b) of Directive 2001/29 preclude national legislation, such as that at issue in the main proceedings, which introduces a system that combines, in order to finance the fair compensation payable to rightsholders, two forms of remuneration, namely, first, lump-sum remuneration paid prior to the reproduction operation by the manufacturer, importer or intra-Community acquirer of devices enabling protected works to be copied, at the time when such devices are put into circulation on national territory, and, second, proportional remuneration paid after that reproduction operation and determined solely by means of a unit price multiplied by the number of copies produced, which is payable by the natural or legal persons who make those copies, in so far as:

   the lump-sum remuneration paid in advance is calculated solely by reference to the speed at which the device concerned is capable of producing copies;

   the proportional remuneration recovered after the fact varies according to whether or not the person liable for payment has cooperated in the recovery of that remuneration;

   the combined system, taken as a whole, does not include mechanisms, in particular for reimbursement, which allows the complementary application of the criterion of actual harm suffered and the criterion of harm established as a lump sum in respect of different categories of users.

RELEVANT CASE LAW FROM THE EUROPEAN COURT (ECJ)

7/15

C-572/14, April 21, 2016 – Austro-Mechana/Amazon

International jurisdiction for national courts in cases regarding the payment of private copying remunerations.

1. It must be recalled that the "fair compensation" referred to in Article 5(2)(b) of Directive 2001/29, according to the case-law of the Court mentioned in paragraph 19 of the present judgment, intends to compensate authors for the private copy made without their authorization of their protected works, so that it must be regarded as compensation for the harm suffered by the authors resulting from such unauthorized copy by the latter. Therefore, the failure by Austro-Mechana to collect the remuneration provided for in Paragraph 42b of the UrhG constitutes a harmful event within the meaning of Article 5(3) of Regulation No 44/2001. The fact that, under the Austrian system relating to the financing of that "fair compensation", the latter must be paid not to the holders of an exclusive reproduction right that it aims to compensate, but to a copyright-collecting society is irrelevant in that respect.
2. Article 5(3) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that a claim seeking to obtain payment of remuneration due by virtue of a national law, such as that at issue in the main proceedings, implementing the "fair compensation" system provided for in Article 5(2)(b) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, falls within "matters relating to tort, delict or quasi-delict", within the meaning of Article 5(3) of that regulation.

C-470/14, June 9, 2016 – EGEDA

Fair compensation financed by General State Budget is not aligned with EU law.

1. Article 5(2)(b) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society must be interpreted as precluding a scheme for fair compensation for private copying which, like the one at issue in the main proceedings, is financed from the General State Budget in such a way that it is not possible to ensure that the cost of that compensation is borne by the users of private copies.

C-110/15, September 22, 2016 – Nokia Italia/SIAE

Ex-ante exemption, reimbursement scheme.

1. As is apparent from the case-law of the Court, in order to comply with Article 5(2)(b) of Directive 2001/29, fair compensation and, therefore, the system on which it is based, must be linked to the harm resulting for the rightholder from the making of copies for private use.
2. It is apparent from the Court's case-law that, in any event, that levy must not be applied to the supply of reproduction equipment, devices and media to persons other than natural persons for purposes clearly unrelated to private copying.
3. Moreover, such a system must provide for a right to reimbursement of the private copying levy which is effective and does not make it excessively difficult to obtain repayment of the levy paid. In that regard, the scope, the effectiveness, the availability, the public awareness and simplicity of use of the right to reimbursement allow for the correction of any imbalances created by the private copying levy system, in order to respond to the practical difficulties observed.
4. EU law, in particular, Article 5(2)(b) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society, must be interpreted as precluding national legislation, such as that at issue in the main proceedings, that, on the one hand, subjects exemption from payment of the private copying levy for producers and importers of devices and media intended for use clearly unrelated to private copying to the conclusion of agreements between an entity which has a legal monopoly on the representation of the interests of authors of works, and those liable to pay compensation, or their trade associations, and, on the other hand, provides that the reimbursement of such a levy, where it has been unduly paid, may be requested only by the final user of those devices and media.

RELEVANT CASE LAW FROM THE EUROPEAN COURT (ECJ)

8/15

C-37/16, January 18, 2017 – Minister Finansów/SAWP

Application of VAT by CMOs in collecting private copying remunerations.

1. Do authors, performers and other rightsholders supply services, within the meaning of Articles 24(1) and 25(a) of Council Directive 2006/112/EC of November 28, 2006 on the common system of value-added tax, to producers and importers of audio recorders and similar devices and blank media, on whom collective management organizations levy on behalf of those authors, performers and other rightsholders, but in their own name, fees on those devices and media by virtue of their sale?
2. It is apparent from the order for reference that fees such as those at issue in the main proceedings are intended to finance fair compensation for holders of reproduction rights. However, the fair compensation does not constitute the direct consideration for any supply of services, because it is linked to the harm resulting for those rightsholders from the reproduction of their protected works without their authorization.
3. Consequently, a transaction such as that at issue in the main proceedings cannot be regarded as being carried out for consideration, for the purposes of Article 2(1)(c) of the VAT Directive. Accordingly, and in the light of the consideration set out in paragraph 24 of the present judgment, even supposing that holders of reproduction rights may effect an assignment of intangible property, within the meaning of Article 25(a) of the VAT Directive, to producers and importers of blank media and of recording and reproduction devices, an issue which it is not necessary to examine, that transaction is in any event not covered by the directive.
4. It follows from all the foregoing that the answer to the first question is that the VAT Directive must be interpreted as meaning that holders of reproduction rights do not make a supply of services, within the meaning of that directive, to producers and importers of blank media and of recording and reproduction devices on whom organizations collectively managing copyright and related rights levy on behalf of those rightsholders, but in their own name, fees in respect of the sale of those devices and media.

C-265/16, November 29, 2017 – VCAST Limited/R.T.I. SpA

Concerning communication to the public or private copying, in the provision of a cloud computing service for remote video recording of copies of works protected by copyright, without the consent of the author concerned, there is active involvement of the service provider in the recording.

1. The Court has held that, while Article 5(2)(b) of Directive 2001/29 must be understood as meaning that the private copying exception prohibits the rightsholder from relying on his exclusive right to authorize or prohibit reproductions with regard to persons who make private copies of his works, that provision must not be understood as requiring, beyond that express limitation, the copyright holder to tolerate infringements of his rights which may accompany the making of private copies.
2. It follows from the case-law that, in order to rely on Article 5(2)(b), it is not necessary that the natural persons concerned possess reproduction equipment, devices or media. They may also have copying services provided by a third party, which is the factual precondition for those natural persons to obtain private copies.
3. Although the private copy exception means that the rightholder must abstain from exercising his exclusive right to authorize or prohibit private copies made by natural persons under the conditions provided for in Article 5(2)(b) of Directive 2001/29, the requirement for a strict interpretation of that exception implies that that rightholder is not deprived of his right to prohibit or authorize access to the works or the subject matter of which those same natural persons wish to make private copies. Directive 2001/29/EC of the European Parliament and of the Council of May 22, 2001 on the harmonization of certain aspects of copyright and related rights in the information society, in particular Article 50(2)(b) thereof, must be interpreted as precluding national legislation which permits a commercial undertaking to provide private individuals with a cloud service for the remote recording of private copies of works protected by copyright, by means of a computer system, by actively involving itself in the recording, without the rightsholder's consent.

RELEVANT CASE LAW FROM THE EUROPEAN COURT (ECJ)

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C-433/20, March 24, 2022 – Austro-Mechana/Strato

Cloud copies fall under the private copy exception and fair remuneration must be paid. The remuneration for these copies can also be achieved through a levy on devices.

1. As regards, in the first place, the question whether the saving of copies in a cloud storage space constitutes a 'reproduction', for the purposes of Article 5(2)(b) of Directive 2001/29, it should be noted that the concept of 'reproduction' must be construed broadly, in the light both of the requirement expressed in recital 21 of that directive that the acts covered by the reproduction right are to benefit from a broad definition in order to ensure legal certainty within the internal market, and of the wording of Article 2 of that directive, which uses expressions such as 'direct or indirect', 'temporary or permanent', 'by any means' and 'in any form'. In addition, the scope of such protection of the acts covered by the reproduction right also follows from the main objective of that directive, which is to introduce a high level of protection, in particular for authors. In the present case, it must be stated that the upload of a work from a user's connected terminal to a cloud storage space made available to that user in the context of a cloud computing service involves making a reproduction of that work, since that service consists of, inter alia, storing a copy of that work in the cloud. Moreover, other reproductions of that work may also be made, in particular where the user accesses the cloud by means of a connected terminal in order to download onto that terminal a work that was previously uploaded to the cloud. It follows that the saving of a copy of a work in storage space made available to a user in connection with a cloud computing service constitutes a reproduction of that work, for the purposes of Article 5(2)(b) of Directive 2001/29.
2. First, it should be observed that, in their broad sense, the words 'any medium' refer to all media on which a protected work may be reproduced, including servers such as those used in cloud computing. Since the wording of Article 5(2)(b) of Directive 2001/29 does not in any way specify the characteristics of the devices by or with the aid of which copies for private use are made, it must be held that the EU legislature did not consider these to be relevant, in the light of the objective which it pursued by its measure of partial harmonisation. Accordingly, the fact that the storage space is made available to a user on a server belonging to a third party is not decisive in that regard. It follows that Article 5(2)(b) of Directive 2001/29 may also apply to reproductions made by a natural person with the aid of a device which belongs to a third party. Second, that broad interpretation of the concept of 'any medium' is supported by the context of that provision and, in particular, by comparing the wording of the exception referred to in Article 5(2)(b) of Directive 2001/29, which does not in any way specify the characteristics of devices by or with the aid of which copies for private use are made, with that of the exception to the reproduction right laid down in Article 5(2)(a) of that directive. Whereas the latter applies to 'reproductions on paper or any similar medium', the private copying exception is applicable to 'reproductions on any medium'
3. The achievement of the objective, recalled in paragraph 25 of the present judgment, of preventing copyright protection in the European Union from becoming outdated or obsolete as a result of technological developments and the emergence of new forms of exploitation of copyright-protected content, which follows from recital 5 of Directive 2001/29, would be undermined if the exceptions and limitations to the protection of copyright which, according to recital 31 of that directive, were adopted in the light of the new electronic environment, were interpreted in such a way as to have the effect of excluding similar account being taken of those technological developments and of the emergence in particular of digital media and cloud computing service. In those circumstances, it is not necessary, in terms of functionality, to make a distinction, for the purpose of applying Article 5(2)(b) of Directive 2001/29, according to whether the reproduction of a protected work is carried out on a server on which storage space has been made available to a user by the provider of a cloud computing service or whether such a reproduction is made on a physical recording medium belonging to that user. Consequently, it must be held that the concept of 'any medium', referred to in Article 5(2)(b) of Directive 2001/29, includes a server on which storage space has been made available to a user by the provider of a cloud computing service.

RELEVANT CASE LAW FROM THE EUROPEAN COURT (ECJ)

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4. As the Advocate General stated in point 71 of his Opinion, in so far as the uploading and downloading of copyright-protected content during the use of storage services in the context of cloud computing may be classified as a single process for the purposes of private copying, it is open to the Member States, in the light of the broad discretion which they enjoy, as recalled in paragraphs 41 and 46 of the present judgment, to put in place a system in which fair compensation is paid solely in respect of the devices or media which form a necessary part of that process, provided that such compensation may reasonably be regarded as reflecting the possible harm to the copyright holder. In that context, while it is open to the Member States to take account, when setting the private copying levy, of the fact that certain devices and media may be used for the purpose of private copying in connection with cloud computing, they must ensure that the levy thus paid, in so far as it affects several devices and media in that single process, does not exceed the possible harm to the rightholders resulting from the act in question, as stated in recital 35 of Directive 2001/29.
5. Article 5(2)(b) of Directive 2001/29 must be interpreted as meaning that the creation of a backup copy of a work in a storage space made available to a user in the context of cloud computing services constitutes a reproduction of that work within the meaning of that article.
6. The term "any medium" used in Article 5(2)(b) of Directive 2001/29 also covers a server on which the provider of cloud computing services makes storage space available to a user.
7. Article 5(2)(b) of Directive 2001/29 must be interpreted as not precluding national legislation which transposes the limitation referred to in that provision into national law, in a case where that legislation does not require providers of cloud computing storage services to pay fair compensation for the unauthorized making of backup copies of copyright-protected works by natural persons who use those backup copies for private purposes and without any direct or indirect commercial purpose, in so far as that legislation provides for the payment of fair remuneration to the rightholders.

C-263/21, September 8, 2022 – Ametic

On issuance of an exemption certificate by a private law entity controlled solely by copyright management societies, the powers of review of such entity to verify if conditions for benefiting from an exemption certificate have been satisfied are lawful and necessary to properly administer private copying.

1. The management of remuneration for private copying within the meaning of Article 5(2)(b) of Directive 2001/29 is, by definition, one of the tasks that may be entrusted to collective copyright management organizations, such as those referred to in the Intellectual Property Act for the management of intellectual property rights, as opposed to the representatives of those liable to pay that compensation.
2. Any national legislation introducing remuneration for private copying must provide for procedures ensuring that only those liable to pay referred to in Article 5(2)(b) of Directive 2001/29 actually bear the burden of compensation for private copying.
3. In order to avoid any risk of bias on the part of such a legal entity in the issuance of exemption certificates and the granting of refunds, and thus to prevent any distortion of the fair balance between rightholders and users of protected material sought by Directive 2001/29, it must also be possible to appeal against decisions by that legal entity to refuse to issue an exemption certificate or to grant a refund to an independent institution, whether or not that appeal is contentious.
4. Restrictions such as those referred to in Article 5 of Directive 2001/29 must be applied in accordance with the principle of equal treatment enshrined in Article 20 of the Charter of Fundamental Rights of the European Union, according to which comparable situations must not be treated differently and different situations must not be treated equally. That principle cannot be interpreted as precluding the management of exemptions from payment and refunds of remuneration for private copying from being entrusted to a person representing the collective interests of those entitled to receive that remuneration. The persons entitled to receive the compensation for private copying and those liable to pay it are in completely different legal situations with regard to that burden, so that that principle is not infringed on the ground that, under the system of remuneration for private copying, they are subject to different rights and obligations.

RELEVANT CASE LAW FROM THE EUROPEAN COURT (ECJ)

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5. Article 5(2)(b) of Directive 2001/29 and the principle of equal treatment do not preclude national legislation under which a legal person established by and controlled by intellectual property management organizations is responsible for managing exemptions from payment and refunds of compensation for private copying. How ever, this applies only where that national legislation provides that the issue of exemption certificates and the granting of refunds must be carried out in a timely manner on the basis of objective criteria which do not allow that legal person to reject an application of such a certificate or of reimbursement on the basis of considerations involving the exercise of a margin of discretion, and that decisions by that legal person to refuse such an application may be challenged before an independent body.
6. Consequently, the person entrusted with the management of the system of compensation for private copying must, on the one hand, be able to verify that the conditions for benefiting from an exemption certificate are satisfied. If, at the end of that check, it becomes apparent that those conditions are not satisfied, the obligation to ensure effective collection of the compensation for private copying makes it necessary to ensure that that legal person can, on the other hand, calculate and collect the amounts due by way of that compensation as soon as the conditions for granting an exemption certificate have not been or are no longer satisfied. The performance of those duties by that legal person would be hindered if the person under review could, by invoking the confidentiality of his, her, or its business accounts, refuse access to the accounting information necessary for such performance.
7. Article 5(2)(b) of Directive 2001/29 and the principle of equal treatment must be interpreted as not precluding national legislation which empowers a legal person, which is established and controlled by intellectual property rights management organisations and which is entrusted with the management of (i) exemptions from payment in respect of compensation for private copying and (ii) reimbursements in respect of such compensation, to request access to the information necessary for the exercise of the powers of review conferred on it in that regard, without it being possible, in particular, for the person under review to rely on the confidentiality of business accounts provided for by national law, that legal person being obliged to safeguard the confidential nature of the information obtained.

C-426/21, July 13, 2023 – Ocilion IPTV

Private copies of television broadcasts made by and for a single user may not be made available to other users.

1. Article 2 and Article 5(2)(b) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society must be interpreted as meaning that the exception to the exclusive right of authors and broadcasting organisations to authorise or prohibit the reproduction of protected works does not cover a service offered by an operator of re transmission of online television broadcasts to commercial customers allowing, on the basis of a cloud-hosting solution or based on the necessary hardware and software made available on premises, a continuous or one-off recording of those broadcasts, on the initiative of the end users of that service, where the copy made by the first of those users to have selected a broadcast is made available, by the operator, to an indeterminate number of users who wish to view the same content.
2. Among other criteria, the Court has emphasised the indispensable role played by the service provider and the deliberate nature of its intervention. That service provider makes an act of communication when it intervenes, in full knowledge of the consequences of its action, to give its customers access to a protected work, particularly where, in the absence of that intervention, those customers would not, in principle, be able to enjoy the broadcast work.
3. Since it is the network operators who give end users access to protected works, in accordance with the detailed rules laid down between them in advance, the service provider that supplies the necessary hardware and software to the network operators in order to give access to those works does not play an 'indispensable role' within the meaning of the case-law arising from the judgment cited in paragraph 59 of this judgment, with the result that it cannot be regarded as having carried out an act of communication within the meaning of Directive 2001/29. Although the use of that hardware and software, as part of the on-premises solution, appears necessary in order for end users to be able to replay television broadcasts, it is not apparent from the information in the file submitted to the Court that the provider supplying that hardware and that software takes action to give end users access to those protected works.

RELEVANT CASE LAW FROM THE EUROPEAN COURT (ECJ)

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4. Article 3(1) of Directive 2001/29 must be interpreted as meaning that the supply by an operator of retrans mission of online television broadcasts to its commercial customer of the necessary hardware and software, including technical assistance, which enables that customer to allow its own customers to replay online television broadcasts, does not constitute a 'communication to the public' within the meaning of that provision, even if that operator is aware that its service may be used to access protected broadcasting content without the consent of the authors.

C-260/22, November 23, 2023 – Seven.One Entertainment Group GmbH/Corint media GmbH

Fair remuneration for private copying must be granted to broadcasting organizations, when those organizations suffer more than "minimal" damage.

1. Article 5(2)(b) of Directive 2001/29/EC must be interpreted as precluding national legislation which excludes broadcasting organizations whose broadcasts are reproduced by natural persons for private use and without commercial purpose from the right to fair compensation in so far as those organizations may suffer potential harm that cannot be classified as "minimal."

C-179/23, July 4, 2024 – Credidam

Fees for services of collective management organizations collecting and distributing private copy remunerations are subject to VAT.

1. In the present case, in view of the economic and commercial reality of the activity concerned, there are, for the purposes of the application of the VAT Directive, only the services supplied directly to the rightholders by the management organisation concerned, which consist in the collection, distribution and payment of the remuneration at issue in the main proceedings and for which the management fee constitutes actual consideration.
2. The fact that those supplies involve the collection, from users and on behalf of those rightholders, of remuneration arising from a legal relationship between those parties, which does not give rise, as such, to taxable transactions and, in particular, to supplies of services, within the meaning of the VAT Directive – such as that conferring on those rightholders, as regards those users, the right to remuneration for private copying – and that they are thus 'ancillary' to the performance of transactions not subject to VAT, cannot alter the fact that those services, carried out by the collective management organisation, are taxable for VAT purposes.
3. Article 2(1)(c), Article 24(1) and Article 25(c) of the VAT Directive must be interpreted as meaning that a collective management organisation for copyright and related rights supplies services, within the meaning of those provisions, where, first, it collects, distributes and pays, by law, to rightholders the remuneration owed to them by certain users defined by law and, secondly, it deducts from that remuneration a management fee which is due to it by those rightholders and which is intended to cover the costs incurred by that activity, in the event that the remuneration thus collected on behalf of those rightholders does not constitute consideration for services supplied, within the meaning of that directive, by those rightholders for the benefit of those users.

C-230/23, November 14, 2024 – Reprobel/Copaco

Article 5(2)(a) and (b) of Directive 2001/29/EC have direct effect, meaning that a private individual can invoke them in the event of incorrect transposition of this provision. In this way, the private individual can prevent the application of national rules that oblige him to pay fair compensation that has been imposed contrary to this provision.

1. Article 5(2)(a) and (b) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society must be interpreted as meaning that an individual may rely, before a national court, against an entity entrusted by a Member State with collecting and distributing the fair compensation established under that provision, on the fact that the national legislation laying down that compensation contravenes provisions of EU law which have direct effect, provided that such an entity has, in order to perform that task in the public interest, special powers beyond those which result from the normal rules applicable in relations between individuals.
2. Article 5(2)(a) and (b) of Directive 2001/29 must be interpreted as having direct effect, and that therefore, in the absence of a correct transposition of that provision, an individual may rely on it for the purposes of dis applying national rules under which that individual is obliged to pay remuneration by way of fair compensation imposed in contravention of that provision.

RELEVANT CASE LAW FROM THE EUROPEAN COURT (ECJ)

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C-822/24, January 15, 2026 – Bluechip
Copyright levies on items from the business market (commercial/professional use).

1. The answer to the question referred is that Article 5(2)(b) of Directive 2001/29 must be interpreted as not precluding a national rule according to which manufacturers, importers and traders of storage media that may be used for making reproductions are obliged to pay the fair compensation laid down in that provision where those media are sold to commercial end users, except where those manufacturers, importers or traders establish that those media are not used by natural persons in order to make reproductions for private use and for ends that are neither directly nor indirectly commercial, or are used in such a way solely on a scale regarded as not causing more than minimal harm to rightholders.

II. CASES PENDING BEFORE ECJ

C-496/24, July 17, 2024 – Offline streaming copies
Offline streaming copies and the reproduction for private use.
The Supreme Court of the Netherlands filed the following preliminary questions on July 17, 2024:

1. Can a reproduction with the characteristics described above in paragraph 2.3, (i)-(iii) (offline streaming copy), having regard also to the three-step test (Article 5(5) of the Copyright Directive), be regarded as a 'reproduction … made by a natural person for private use, and for ends that are neither directly or indirectly commercial' as referred to in Article 5(2)(b) of the Copyright Directive?
2. Do the objectives of the Copyright Directive, including a high level of copyright protection, a fair balance between the interests of the rightholder and the interests of the user, and a coherent and technologically neutral application by the Member States of the exceptions and limitations, preclude a national regulation under which the private copying exception does not also include offline streaming copies?
3. Is it relevant to the answer to one or more of the preceding questions whether the rightholders receive compensation per offline streaming copy made, or whether they receive compensation based on the number of times an offline streaming copy is played by the user of the streaming service?

The opinion of Advocate General M. Szpunar in this case was published on 2 October 2025. The Advocate General concluded that offline streaming copies do not fall under the private copying exception. He argues that the user of an on-demand internet streaming service whereby protected works are communicated, is not reproducing works for his or her own use in a situation where he or she utilizes the additional service whereby the works are communicated for offline use and the service provider, using technological measures, retains full control over the reproduction of the works. According to the Advocate General, article 3 of Directive 2001/29 must be interpreted as meaning that communication of the works in this way is equivalent to the service provider making them available to the public in such a way that members of the public may access them from a place and at a time individually chosen by them. Application of the private copying exception in these circumstances would also interfere with the normal commercial exploitation of works, according to the Advocate General. Furthermore, the Advocate General argues that the private copying remuneration is not meant to replace licensing mechanisms and the remuneration of rightholders on that basis. Pursuant to Article 18 et seq. of Directive (EU) 2019/790, if that compensation is inadequate, it is up to the Member States to take the appropriate steps to resolve the problem.

RELEVANT CASE LAW FROM THE EUROPEAN COURT (ECJ)

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C-579/24, September 3, 2024 – Austro-Mechana and AKM

The management authorization of Austro-Mechana and AKM over reproductions of copyright-protected works made by providers of large online platforms and their users.

1. Is EU law, in particular Article 2 of Directive 2001/29/EC, Article 17(1) of Directive (EU) 2019/790 and Article 9 of the Berne Convention for the Protection of Literary and Artistic Works (Revised Berne Convention (RBC)), to be interpreted as meaning that an online content-sharing service provider pursuant to Article 2, point 6, of Directive (EU) 2019/790 which stores works and other subject matter uploaded by users, in addition to performing an act of communication to the public (or an act of making available to the public) within the meaning of Article 3 of Directive 2001/29/EC, also performs, or is to be regarded as also performing, an act of reproduction within the meaning of Article 2 of Directive 2001/29/EC, and must obtain separate authorisation to do so from the rightholders referred to in Article 2 of Directive 2001/29/EC?

2. If the first question is answered in the affirmative:
   Is EU law, in particular Article 17(1) and (2) and Article 1(2) and Article 2, point 6, of Directive (EU) 2019/790, to be interpreted as meaning that an authorisation to reproduce obtained by online content-sharing service providers within the meaning of Article 2, point 6, of Directive (EU) 2019/790 also covers acts of reproduction performed by, or to be regarded as being performed by, the users of such platforms, provided that those users are not acting on a commercial basis or their activity does not generate significant revenues?If the first question is answered in the negative:
   Is EU law, in particular Article 2 of Directive 2001/29/EC and Article 17(2) of Directive (EU) 2019/790, to be interpreted as meaning that users of services offered by online content-sharing service providers within the meaning of Article 6, point 2, of Directive (EU) 2019/790, in uploading copyright-protected works and subject matter for the purposes of storing and sharing them, perform acts of reproduction within the meaning of Article 2 of Directive 2001/29/EC and require authorisation to do so from the rightholders referred to in Article 2 of Directive 2001/29/EC?

3. If the first question is answered in the negative:
   Is EU law, in particular Article 2 of Directive 2001/29/EC and Article 17(2) of Directive (EU) 2019/790, to be interpreted as meaning that users of services offered by online content-sharing service providers within the meaning of Article 6, point 2, of Directive (EU) 2019/790, in uploading copyright-protected works and subject matter for the purposes of storing and sharing them, perform acts of reproduction within the meaning of Article 2 of Directive 2001/29/EC and require authorisation to do so from the rightholders referred to in Article 2 of Directive 2001/29/EC?

4. If the first question is answered in the affirmative:
   Is EU law, in particular Article 4, Article 5 and Article 16(1) and (2) of Directive 2014/26/EU, 1 to be interpreted as meaning that rightholders may grant the reproduction right under Article 2 of Directive 2001/29/EC, on the one hand, and the right of communication to the public under Article 3 of the same directive, on the other hand, for the purposes of licensing under Article 17(1) and (2) of Directive (EU) 2019/790, individually and separately, too, to a collective management organisation (or an independent management entity), either in order to have those rights managed by different collective management organisations (or independent management entities) or in order to manage those rights individually in part?

RELEVANT CASE LAW FROM THE EUROPEAN COURT (ECJ)

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C-840/24, March 14, 2025 – VG Wort

Rightsholder categorization and clarification of beneficiaries of social, cultural or economic services.
The Bundesgerichtshof (Germany) filed the following preliminary questions on December 10, 2024:

1. Is the fact that a provision of national law provides that a collecting society is to promote works of cultural importance and that, as consequence thereof, recipients who are not (or, in any event, not yet) part of the group of rightholders also benefit from that promotion compatible with Article 5(2)(b) of Directive 2001/29/EC, with the first sentence of Article 6(1) of Directive 2006/115/EC, and with Article 11(4) and Article 12(4) of Directive 2014/26/EU?
2. In the event that the provision of social, cultural or educational services under Article 12(4) of Directive 2014/26/EU is permitted only to rightholders: Does the permissibility of providing such services depend on the recipient of those services having a present right to remuneration, or is it sufficient to hold a present copyright or related right that is not currently remunerated? Is the permissibility of such services conditional upon the existence of a management agreement with the collecting society?

MENTION GDPR

Personal data that has been submitted in the context of this study will be used and retained by BIEM, CISAC, IFRRO and Stichting de Thuiskopie, acting as data controllers, to update their records, including the CISAC Directory, as well as to provide "Contact information" for any interested users of the Private Copying report. Some personal data has been communicated to our service provider editing and printing the Private Copying report on our behalf and will be shared, unless otherwise notified, in the report as "Contact information" of the society you are part of.

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ABOUT
BIEM/CISAC/IFRRO/STICHTING DE THUISKOPIE

BIEM is an international organization gathering authors' societies administering recording and mechanical rights of protected musical works, with a view to the efficient administration of those rights. BIEM represents 59 mechanical rights societies operating in 55 countries. Aside from the negotiation of a standard agreement with the International Federation of the Phonographic Industry (IFPI), BIEM's role is not only to assist in technical collaboration between its member societies, to help in solving problems that arise between individual members, but also to contribute to the defense and development of copyright protection in the domain of mechanical rights.

CISAC is the leading worldwide organization of authors' societies. With 227 authors' collective management societies in 111 countries, CISAC represents more than 4 million creators from all geographic areas and all artistic repertoires (including music, audiovisual, drama, literature and visual arts). CISAC works to protect the rights and promote the interests of creators worldwide. CISAC enables collective management organizations (CMOs) to seamlessly represent creators across the globe and ensure that royalties flow to authors for the use of their works anywhere in the world.

IFRRO is the leading international organization for collective management of text and image-based works. An independent non-profit association, IFRRO brings together more than 160 member organizations from around 90 countries, including Reproduction Rights Organisations (RROs) as well as authors' and publishers' associations. Collectively, they represent millions of authors, visual artists, and publishers of books, journals, newspapers, magazines, and sheet music. IFRRO works to develop and promote effective collective rights management, ensuring that the copyrights of authors and publishers are valued through the lawful and remunerated use of text and image-based works.

Stichting de Thuiskopie (Home Copying Foundation) is the private copying collecting society of the Netherlands. Thuiskopie is the sole organization in the Netherlands appointed by the Minister of Justice, to collect the remunerations from importers/manufacturers of media and devices used by consumers for private copying. It distributes the collected private copying remunerations to the organizations representing the interests of the entitled rightsholders like composers, lyricists, audiovisual and audio producers, authors of literary-dramatic works, journalists, screenwriters, visual authors, photographers, illustrators, visual artists, performing artists, broadcasters and directors. The rightsholders are represented in the board of the Foundation.

BIEM
20 - 26 boulevard du Parc
92200 Neuilly-sur-Seine
France

CISAC
20 - 26 boulevard du Parc
92200 Neuilly-sur-Seine
France

IFRRO
Rue du Prince Royal 85-87
1050 Brussels
Belgium

STICHTING DE THUISKOPIE
Postbus 3060
2130 KB Hoofddorp
The Netherlands

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