



PRIVATE COPYING GLOBAL STUDY

FIRST
EDITION
2017



SERVING AUTHORS WORLDWIDE
AU SERVICE DES AUTEURS DANS LE MONDE
AL SERVICIO DE LOS AUTORES EN EL MUNDO



FOREWORD



Private copying levies offer creators remuneration for acts of copying that cannot be effectively licensed or monitored. They are justified when domestic laws include an exception to the right of reproduction for acts of copying that are done by individual persons and for private use.

When a private copying levy system operates effectively, it can provide a substantial source of revenues for creators. The importance of levies is growing in the face of widespread copying over digital media and the growing popularity of mobile devices with large storage capacities.

374 €M

on global collections
of private copying
levies in 2016

12 %

of total African
royalties

7 %

of total European
royalties'
collections

+50 %

of the local society's
income for some
African countries

In light of the latest developments in private copying laws and practices in key territories, CISAC decided to undertake a comprehensive analysis of private copying legislation around the world. The study aims to identify countries where societies should be in a position to collect levies under existing laws, as well as priority countries that could amend laws so that levies can be collected.

This study is the first global analysis of private copying systems that exist all around the world. It has been prepared by CISAC with input from numerous CISAC societies over two years.

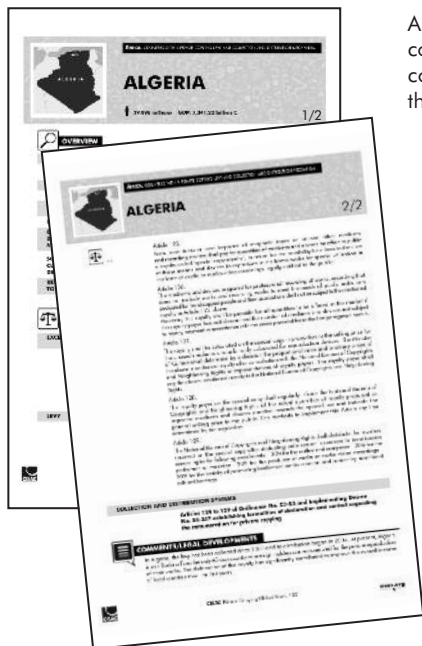
Combining various data sources, it examines the copyright laws of **191 countries in 5 continents**. It classifies countries in four categories, from the lowest level of development to the most developed:



- Countries without a private copying exception;
- Countries with a private copying exception but without a compensation levy;
- Countries with a private copying levy but without collection and distribution mechanisms;
- Countries with a private copying levy and collection and distribution mechanisms;

This classification provides comprehensive data on private copying systems existing around the world. It provides valuable insights and information for CISAC, CISAC member societies, governments and other worldwide organisations.

WHAT WILL YOU FIND IN THIS STUDY?



Apart from countries that have not implemented a private copying exception (which have been listed with only a few comments) each country has an individual profile split in three parts:



Overview

This table gives an overview of the national private copying system according to several pieces of information (liable, beneficiaries, exemption, rate setting, collection and distribution system, social and cultural deductions, revenues collected).



Legal Basis

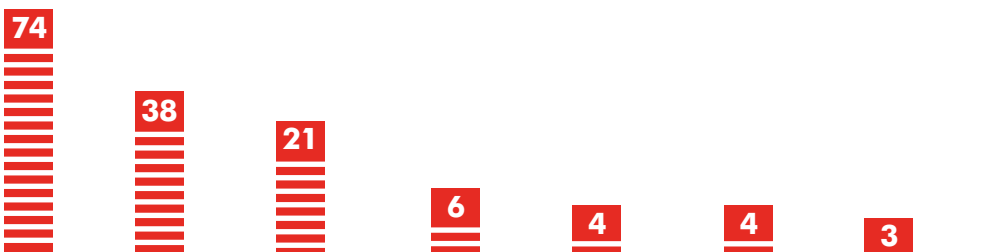
This second table gives the legal basis on the exception, the levy and the collection and distribution mechanism in the national legislation.



COMMENTS/ LEGAL DEVELOPMENTS

This last table gives information or comments, if any, on potential updates and legal developments in legislation or jurisprudence.

KEY FIGURES



At least 74 countries have a private copying levy system

Only 38 have effectively implemented a private copying system.

21 countries of the 28 Member States of the European Union implemented it.

6 countries from Central and Eastern Europe implemented it.

4 North and South American countries implemented it

4 African countries implemented it.

3 Asian countries implemented it.

The study also can assist in strategic planning. In countries where a private copying exception applies without any remuneration for rightholders, initiatives aimed at ensuring the introduction of a compensation system can be adopted. This is particularly the case in Africa, Asia and in Latin American countries. Such reforms would align these countries with the vast majority of the signatory countries of the Berne Convention, while at the same time helping ensure a future and a livelihood for creators.

“ Private copying compensation systems are regulatory mechanisms that benefit all those who are involved in artistic production, from the author-composer to the performer, passing through publishers and producers. In Algeria, we are delighted that this remuneration also serves to boost general interest in cultural events.”

(Kouider BOUZIANE, Algerian composer)

“ The private copying compensation system represents the recognition of the importance of the music creators. The advance of new technologies has not been accompanied, so far, by an equivalent concern about fair remuneration. In this scenario, the recognition of the right of an equitable compensation for private copying is fundamental for the survival of many artists. In Brazil, we will fight for the private copy compensation system to be included in the copyright law.”

(Danilo CAYMMI, Brazilian composer and singer)

“ Japan has a history of innovation, which has helped authors, performers, interpreters, producers and publishers to benefit from private copy equitable compensation in the past. Recent evolutions have led this important regulatory tool to be less effective than it could be in supporting the balance between technology and creation that can strengthen our cultural heritage for generations to come.”

(Shunichi TOKURA, Japan composer)

Contact

CISAC Legal & Policy Department

Office: +33 (1) 55 62 08 83

Email: legal-policy@cisac.org

www.cisac.org

Address:

CISAC, 20/26, boulevard du Parc,

92200 Neuilly-sur-Seine France

CISAC

Confédération Internationale des Sociétés d'Auteurs et Compositeurs
France • Burkina Faso • Chile • China • Hungary

www.cisac.org

