

PRIVATE COPYING GLOBAL STUDY

— Law & Practice —



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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

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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.

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.

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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 reported⁶, 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.

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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.

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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.