



AEPO-ARTIS, FIA and FIM express their deep concern and clear opposition to any restrictions of the remuneration system for private copying

Brussels, 31 May 2006 - Remuneration systems for private copying allow performers and other rightholders to receive remuneration as fair compensation for the reproduction by individuals of their recordings for their private and non-commercial use.

At a time when private copying on CDs, DVDs, computers' hard disks or digital music players is becoming a soaring and massively used practice, and while this remuneration system has already proven useful and beneficial to all parties, the European Commission recently questioned the system publicly and expressed its will to bring significant changes or even to put an end to it. Any limitation of the existing scheme would harm the sector instead of accompanying its development.



The current private copying remuneration system is:

A vital income for performers for the exploitation of their performances

Performers have a legitimate right to be remunerated for the use of their works. Accordingly, remuneration schemes for private copying have been set up in most European Member States. At European level, they represent in average some 35% of the total remuneration collected for performers by collective management societies. Restricting this system would deprive performers of one of the few categories of rights that are not automatically transferred to the producers in the industry through individual contracts, unfortunately a common practice in an overwhelming number of countries.

A significant support to the cultural sector

In a number of European countries, part of the remuneration collected for private copying is allocated to the cultural and social funds, generating employment and resources for the cultural sector. Estimations show that in 15 European Member States¹, some EUR 17 million per year are raised this way as far as performers are concerned. Since similar provisions are applicable to other categories of rightholders, this amount should be multiplied 3 to 4 times to assess its direct impact on the European cultural sector.

A flexible system that combines an area of freedom for consumers and legitimate remuneration for rightholders

So far, the amounts collected on the different carriers are widely accepted by consumers' organisations and have not given rise to specific difficulties on the market. At the same time in the UK, where private copying remains illegal, a recent poll commissioned by the National Consumer

¹ Estimation based on figures from representative organisations in Austria, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Lithuania, Poland, Slovakia, Spain, Sweden, the Netherlands and UK for the year 2005.

Council² found out that over half of British consumers are infringing the law by copying their CDs onto other players, for private purposes. The study concludes that UK copyright law is out of step with actual practices.

A system that cannot be replaced by technical protection measures

Locking CDs, DVDs or online-content is neither realistic, nor efficient or necessary. The development of technical protection measures, implemented on the initiative of the sole industry, has already proven prejudicial to privacy and individual freedom. Such strategy would only lead to rampant legal actions against individuals and hamper the circulation of cultural content.

Besides, the industry that markets copy-enabling technology and makes high profits from these sales is the same one that is campaigning against the only system enabling performers to be compensated for these copies.

More generally, the development of DRMs without the consultation or cooperation of rightholders' organisations cannot replace the remuneration for private copying acknowledged by a EU Directive and enshrined in most national copyright systems; neither can it substitute collective management.

While the private copying remuneration system has not hampered the development of online music and video markets, its limitation will not necessarily increase sales of copyright protected contents.



AEPO-ARTIS represents 27 European performers' collective management societies from 21 countries, 16 of which are established in Member States of the European Union. The other countries represented are Croatia, Norway, Romania, Russia and Switzerland. The represented organisations totalize some 350.000 performers as members.

The International Federation of Actors (FIA) is an international non-governmental organisation representing more than 100 performers' trade unions, guilds and associations around the world. The European group of FIA represents professional trade unions of performers in 23 EU Member States, in the European Economic Area and Switzerland, working both in live performance and in the recorded media.

The International Federation of Musicians (FIM) is an international non-governmental organisation representing musicians' trade unions, guilds and associations in over 70 countries covering all regions of the world, which enables it to speak for hundreds of thousands of musicians. The European group of FIM represents musicians' unions in almost all EU Member States, in the European Economic Area and Switzerland, working both in live performance and in the recorded media.

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² Poll on consumer CD copying habits by YouGov Plc, commissioned by the NCC in the framework of the UK government review of national intellectual property law. YouGov Plc, a member of the British Polling Council, interviewed in April 2006 a nationally representative sample of 2135 British from 18 years old.