



“The Reprography Levies across the European Union”

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List of abbreviations

A&M	Auteurs & Media Tijdschrift
AMI	Informatierecht, tijdschrift voor auteurs-, media- en informatierecht
ALCS	Author's Licensing and Collecting Society (UK)
AUVIBEL	Belgian Collecting Rights Society for Private Copying of Audiovisual Works
BGBL	Bundesgesetzblatt
BGH	Deutsches Bundesgerichtshof
CEDRO	Centro Español de Derechos Reprográficos
CFC	Centre Français d'exploitation du droit de Copie
CLA	Copyright Licensing Agency
Copie France	Société française de perception de la rémunération pour la copie privée audiovisuelle
CPI	Code de la Propriété Intellectuelle (France)
GEMA	Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte
GRUR	Gewerblicher Rechtsschutz und Urheberrecht
GRUR, Int.	Gewerblicher Rechtsschutz und Urheberrecht, Internationaler Teil
IFRRO	International federation of reproduction rights organisations
Lira	Stichting Literaire Rechten Auteurs (Netherlands)
REPROBEL	Belgian Collecting Society for Reprographic Rights
Reprorecht	Stichting Reprorecht (Netherlands)
RIDA	Revue Internationale de Droit d'Auteur
SABAM	Belgian Society of Authors, Composers and Publishers
SGAE	Sociedad General de Autores y Editores (Spain)
SIAE	Società Italiana degli Autori ed Editori (Italy)
SOFIA	Société française des intérêts des auteurs de l'écrit
VG Bild-Kunst	Verwertungsgesellschaft Bild-Kunst
VG WORT	Verwertungsgesellschaft Wort
ZPÜ	Zentralstelle für Private Überspielungsrechte
ZUM	Zeitschrift für Urheber- und Medienrecht

1. Introduction

Today, most continental European countries have put in place a levy system to compensate authors and publishers for ‘reproductions on paper or any similar medium, effected by the use of any kind of photographic technique or by some other process having similar effects, with the exception of sheet music’.¹ The twelve EU Member States that have put in place such a levy system are in chronological order since 1965: Germany (1965), Sweden (1973), Netherlands (1977), Finland (1978), Denmark (1980/educational and 1987/business), France (1988), Spain (1988), Italy (1993), Belgium (1994), Austria (1996), Greece (1996), and Portugal (1998).² Ireland, Luxembourg, and the United Kingdom have implemented no levy system to compensate copyright holders for reprographic activities.

This study, conducted for and financed by the Ministry of Justice of the Netherlands, purports to examine the reprography systems that are currently in force in the countries of the European Union, for the purpose of finding out how the Dutch regime compares in price with those of other countries. To this end, we present in the following section a brief overview of the regimes in place in each of the thirteen Member States where money is collected with respect to reprographic activities. In view of the very short time and of the limited resources available for the completion of this study, we have conducted only a summary review of the prices established under each national regime without going into any detail concerning their respective workings. On the basis of these findings, we will draw some conclusions in section 3. Note that, for ease of consultation, the data collected below is presented in the form of comparative tables in Annex to this document.

2. Country-by-country analysis

At the outset, it is worth pointing out that the actual basis for the payment of remuneration for reprographic activities varies in different respects from one EU Member State to another. First, continental European countries have imposed levies following either one of three ways: 1) on the sale of reproduction equipment, such as photocopy machines, and facsimile machines; 2) proportional to the amount of copies realised in a year; 3) proportional to the number of students or employees; or 4) a combination of either one of the three preceding systems. Second, the mode of calculation of levies imposed on reproduction equipment also differs from one country to another. In some countries, the remuneration on equipment is calculated in proportion of the sales price of such equipment, while in other countries, the remuneration on equipment is paid in the form of a lump sum. In most Member States, the remuneration due for reproductions made by means of reprography is calculated in proportion to the amount of copies made in a year. The price per copy may vary according to the type of work reproduced, i.e. scientific or educational book, novels, magazines, or newspapers, and according to the type of equipment used or to the quality of the reproductions. When determining the price per copy, most countries and collecting societies also make a distinction according to the sector of activity, i.e. the private sector, the public sector, and the educational sector. This distinction corresponds to objective considerations. The amount of copies made of protected works varies from one sector to another, where the educational sector realises a greater amount of copies than the two other sectors.³ Third, a number of EU Member States may have expressly excluded certain types of equipment from the levy regime on the ground that they are not primarily used for copyright relevant reproductions. Fourth, the mode of fixation of the levy varies from one Member State to the other. In the Nordic countries for example, the amount of remuneration is established through negotiation

¹ M. Möller, ‘Die Urheberrechtsnovelle’ in H. Cohen Jehoram, P. Solleveld and G. Platteeuw (ed.), *Auteursrechtbeleid in de informatiemaatschappij*, Staatsuitgeverij, s-Gravenhage, 1987, pp. 141-156, at p. 146.

² Information collected from the International federation of reproduction rights organisations (IFRRO), at: <http://www.ifrro.org/members/index.html> (site visited on 27 Feb. 03).

³ F. Young and T. Roosen, ‘Le droit d’auteur et la reprographie enfin réconciliés’, *A&M* 1998/2, pp. 93-104, at p. 99.

between the collecting society and the users. Most continental European countries have introduced a statutory licence, the tariff of which is determined by regulatory instrument.⁴

As a rule, the obligation to pay the remuneration imposed on reprographic equipment does not lie on the consumer, but rather on the manufacturers, importers, or intra-community acquirer of such devices. In the majority of cases, manufacturers and importers of reproduction equipment pass the charge on to the consumers by means of the sales price such equipment. Geller observes that ‘where levies are imposed, for example, on the sales price of a copy machine, facsimile machine, or blank-recording tapes, there is only an intrusion at that point where these instruments enter commerce, not in private life. Where, by contrast, levies are imposed on machines already purchased by users, some method is needed to police these users, for example, concerning what they do in their offices or homes, or at least to collect monies due’.⁵ Similarly, we note that the obligation to pay the proportional remuneration for reprographic activities generally lies with the legal person under whose supervision, direction, or control the reprographic equipment is used, such as copy-shops, educational institutions, libraries, governmental institutions, and businesses.

2.1 Austria

Article 42b of the Federal Law on Copyright in Works of Literature and Art and on Related Rights⁶ provides that the author shall be entitled to equitable remuneration if it is probable that, owing to its nature, a work will be reproduced for personal use by reprography or a similar method. There are two types of levies for reprographic activities. The first levy must be paid on appliances which, by their nature, are designed for such copying (reprographic appliance) and that are commercially available on the domestic market for payment (appliance levy). This levy must be paid by manufacturers, importers, or intra-community acquirer. The second levy must be paid if the reprographic appliance is used in schools, higher educational establishments, vocational training establishments, establishments of further education, research institutes, public libraries or establishments which make such appliances available for payment (operator levy). In establishing the amount of the latter type of levy, account must be taken of 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.

The “appliance levy” is established as follows:

- Copiers:

70 page/min. or more :	€344,60
40-69 page/min.:	€150,21
20-39 page/min.:	€ 88,34
10-19 page/min.:	€ 30,90
less than 10 page/min.:	€ 10,22

- Faxes:

Simple fax :	€ 5,26
Fax incl. Scanner :	€ 10,60
Fax incl. Laser printer :	€ 21,21

- Scanners:

70 page/min. or more :	€313,31
36-70 page/min.:	€108,48
13-35 page/min.:	€ 56,22

⁴ Id., at p. 93.

⁵ P.E. Geller, ‘Reprography and other processes of mass use’, *R.I.D.A.* 1992/153, pp. 3-73, at p. 35.

⁶ BGBl. No. 111/1936, as last amended [BGBl. I No. 25/1998]

12 page/min. or less : € 10,00
 manual scanner : € 3,74

The “operator levy”, to be paid per machine, per year, is established as follows:

Photocopy machine	Operator				
	A) Copy Shops and similar establishments			B) Businesses and similar establishments	C) Other location
Machine class	Proximity of Educational Institution	No proximity of Educational Institution	Town without Educational Institution		
B&W photocopy machine	(Institution/Dependence within 500m distance)				(SHS) Educational institution (incl. Institutes, libraries), Research institutes, professional training € 308,28
1) 1-12 copies/Min.	€ 31,47	€ 23,55	€ 15,77	€ 15,77	
2) 13-70 copies/Min.	€ 150,87	€ 113,22	€ 75,65	€ 26,23	(SÖB) Public libraries, € 137,72 decentralised location (Student dorms, cafeteria)
3) over 70 copies/Min.	€ 125,94	€ 94,47	€ 62,93	€ 62,93	(SÜS) other locations € 26,23 (for example in department stores, train stations, schools etc.)
Colour photocopy machine	single price € 52,47				

2.2 Belgium

Under the Royal Decree of 1997, as modified in 2002, concerning the remuneration due for reprographic activities, Belgium requires that a lump sum remuneration be paid on reprographic equipment. Such equipment includes black & white photocopiers, colour photocopiers, fax machines, duplicators, offset machines, scanners, and multifunctional integrated equipment that allow the making of reproductions. The amount of the levy on photocopying equipment has been revised recently and is determined according to the equipment's reproduction capacity following a gradual scale of prices, ranging from €3,99 for photocopiers capable of realising less than 6 copies per minute to €1464,13 for photocopiers capable of realising more than 89 copies per minute. The levy imposed on fax machines is calculated on the same basis as the remuneration due for photocopiers. Duplicators and offset machines have a fixed tariff of €258,22 and €645,55 respectively. Excluded from the scope of the levy scheme are devices that, in view of their objective technical characteristics, can only be used for publishing protected works, such as flat presses, rotary printing presses, plan printers with roller and offset machines the format of which is superior to A3.

Koninklijk besluit van 13 december 2002 houdende de wijziging van het koninklijk besluit van 30 oktober 1997 betreffende de vergoeding verschuldigd aan auteurs en uitgevers voor het kopiëren voor privé-gebruik of didactisch gebruik van werken die op grafische of op soortgelijke wijze zijn vastgelegd, Belgisch Staatsblad, 14.01.2003, p. 1120.

Art. 2. § 1. Het bedrag van de forfaitaire vergoeding toepasselijk op kopieerapparaten wordt als volgt vastgesteld :

*1° 3,99 EUR voor ieder kopieerapparaat waarmee minder dan 6 kopieën per minuut worden gemaakt;
 2° 14,64 EUR voor ieder kopieerapparaat waarmee tussen 6 en 9 kopieën per minuut worden gemaakt;*

- 3° 47,92 EUR voor ieder kopieerapparaat waarmee tussen 10 en 19 kopieën per minuut worden gemaakt;
- 4° 155,73 EUR voor ieder kopieerapparaat waarmee tussen 20 en 39 kopieën per minuut worden gemaakt;
- 5° 258,22 EUR voor ieder kopieerapparaat waarmee tussen 40 en 59 kopieën per minuut worden gemaakt;
- 6° 645,55 EUR voor ieder kopieerapparaat waarmee tussen 60 en 89 kopieën per minuut worden gemaakt;
- 7° 1.464,13 EUR voor ieder kopieerapparaat waarmee meer dan 89 kopieën per minuut worden gemaakt.

Voor de vaststelling van de forfaitaire vergoeding, ook betreffende apparaten voor het maken van kleuren kopieën, wordt de zwartwitsnelheid in aanmerking genomen.

§ 2. Het bedrag van de forfaitaire vergoeding toepasselijk op duplicatoren en office offsetmachines wordt als volgt vastgesteld :

- 1° 258,22 EUR voor iedere duplicator;
- 2° 645,55 EUR voor iedere office offsetmachine.

§ 1. Het bedrag van de forfaitaire vergoeding toepasselijk op scanners wordt als volgt vastgesteld:

1° manuele scanners (handheld scanner)

- a) 1,60 EUR voor iedere scanner met een horizontale optische resolutie lager dan 200 dpi;
- b) 3,19 EUR voor iedere scanner met een horizontale optische resolutie tussen 200 dpi en 299 dpi;
- c) 4,79 EUR voor iedere scanner met een horizontale optische resolutie tussen 300 dpi en 399 dpi;
- d) 6,39 EUR voor iedere scanner met een horizontale optische resolutie tussen 400 dpi en 599 dpi;
- e) 7,99 EUR voor iedere scanner met een horizontale optische resolutie tussen 600 dpi en 1.199 dpi.

2° scanners met automatische papiertoevoer (sheet-feeder scanner)

- a) 2,66 EUR voor iedere scanner met een horizontale optische resolutie lager dan 200 dpi;
- b) 4,66 EUR voor iedere scanner met een horizontale optische resolutie tussen 200 dpi en 299 dpi;
- c) 6,66 EUR voor iedere scanner met een horizontale optische resolutie tussen 300 dpi en 399 dpi;
- d) 8,66 EUR voor iedere scanner met een horizontale optische resolutie tussen 400 dpi en 599 dpi;
- e) 10,65 EUR voor iedere scanner met een horizontale optische resolutie tussen 600 dpi en 1199 dpi.

3° scanners met vast scanvenster (flatbed scanner)

- a) 5,85 EUR voor iedere scanner met een horizontale optische resolutie lager dan 200 dpi;
- b) 19,96 EUR voor iedere scanner met een horizontale optische resolutie tussen 200 dpi en 299 dpi;
- c) 34,61 EUR voor iedere scanner met een horizontale optische resolutie tussen 300 dpi en 399 dpi;
- d) 49,25 EUR voor iedere scanner met een horizontale optische resolutie tussen 400 dpi en 499 dpi;
- e) 63,88 EUR voor iedere scanner met een horizontale optische resolutie tussen 500 dpi en 599 dpi.
- f) 79,86 EUR voor iedere scanner met een horizontale optische resolutie tussen 600 dpi en 1.199 dpi.

De horizontale optische resolutie is het aantal elementen van de CCD per inch waarover de scanner beschikt op het tijdstip waarop hij op het nationale grondgebied in de handel wordt gebracht.

Art. 8. Indien de vergoedingsplichtige niet meewerkt op de wijze omschreven in de artikelen 10 tot 12, wordt het bedrag van de

evenredige vergoeding als volgt vastgesteld :

- 1° 0,0266 EUR per kopie van een beschermd werk;
- 2° 0,0200 EUR per kopie van een beschermd werk gemaakt aan de hand van een apparaat dat door een onderwijsinstelling of door een instelling voor openbare uitlening wordt gebruikt. Voor kleuren kopieën van beschermde werken in kleur moeten de in het eerste lid bedoelde bedragen worden verdubbeld.

Art. 9. Op voorwaarde dat de vergoedingsplichtige heeft meegewerkt aan de inning van de evenredige vergoeding door de beheersvennootschap, wordt het bedrag ervan als volgt vastgesteld:

- 1° 0,0160 EUR per kopie van een beschermd werk;
 - 2° 0,0120 EUR per kopie van een beschermd werk gemaakt aan de hand van een apparaat gebruikt door een onderwijsinstelling of door een instelling voor openbare uitlening.
- Voor kleuren kopieën van beschermde werken in kleur moeten de in het eerste lid bedoelde bedragen worden verdubbeld.

Art. 25. De bedragen van de vergoeding voor reprografie worden jaarlijks op 1 januari aangepast aan het indexcijfer daartoe berekend en benoemd van de maand november van het jaar tevoren. Het aanvangsindexcijfer is dat van de maand november 2001 (131,94). De aanpassing van de bedragen geschiedt volgens de volgende formule: het nieuwe bedrag is gelijk aan het basisbedrag, vermenigvuldigd met het nieuwe indexcijfer en gedeeld door het aanvangsindexcijfer. Uiterlijk op 31 december van elk jaar, worden de aangepaste bedragen bekendgemaakt in het Belgisch Staatsblad.

In addition to the levy imposed on reprographic equipment, Belgian users of reprographic material must also pay a remuneration proportional to the amount of copies realised in a year. This applies, among others, to: businesses, copy-shops, the civil service, educational establishments, associations, the self-employed, members of the professions and individuals. The general fee, calculated on the basis of the number of pages copied per year, distinguishes between users who cooperate in the payment of the remuneration and those who do not. Hence, educational institutions and public lending institutions that cooperate with the collecting society are charged a fee of €0,0120 per page, and those that refuse to cooperate are charged a fee of €0,0200. These fees are doubled for colour copies. The same principle of cooperation applies to businesses, copy-shops, the civil service, and the like, where people or entities that do cooperate with the collecting society are charged a fee of €0,0160 per page copied, whereas a person or entity that does not cooperate with Repobel must pay a fee of €0,0266 per page copied. These fees are doubled for colour copies.

To ease the process of payment for users, the collecting society Repobel has drawn up, together with representatives of each sector of activity, standardised tariffs for the reproduction of protected works by means of reprography, according to the number of reprographic equipment in use, to the number of employees and to the estimated amount of copies of protected works realised in a year. The tariffs applicable to sectors other than the educational and public lending institutions have been revised recently to take account of a new calculation period, of the modified tax rate and of the conversion to the euro. These tariffs have been approved by Ministerial Decree on May 3rd 2002.

Ministerieel besluit van 3 mei 2002 houdende goedkeuring van het gestandaardiseerde rooster toepasselijk op de andere schuldenaars van de evenredige vergoeding bedoeld in artikel 60 van de wet van 30 juni 1994 betreffende het auteursrecht en de naburige rechten, Belgisch Staatsblad, 12.06.2002, p. 27064.

See following 3 pages

STANDAARDBEDRAGEN (EURO) VOOR DE VERGOEDINGSPLICHTIGEN VAN VOLGENDE SECTOREN

Financiële activiteiten, immobiliën, verkoop, verhuur, expertise), verzekeringen
reisagentschappen, holdings, hospitalen, ziekenkassen

BTW tarief dat momenteel van toepassing is : 6 %. Dit is in de bedragen inbegrepen

Uw personeelsbestand

	Basisbedragen	
	36 maanden 24 maanden 12 maanden	
van 0 tot 4	56,77	39,69 21,02
van 5 tot 9	127,71	89,86 47,30
van 10 to 19	269,61	189,71 99,85
van 20 to 49	691,75	486,79 256,20

	Basisbedragen persoverzicht	
	36 maanden 24 maanden 12 maanden	
	9,22	6,49 3,42
	21,29	14,97 7,88
	43,98	30,96 16,29
	113,51	79,87 42,04

	Basisbedragen documentatiecentra	
	36 maanden 24 maanden 12 maanden	
	9,22	6,49 3,42
	21,29	14,97 7,88
	43,98	30,96 16,29
	113,51	79,87 42,04

Uw personeelsbestand

	Basisbedragen + persoverzicht	
	36 maanden 24 maanden 12 maanden	
van 0 tot 4	65,99	46,18 24,44
van 5 tot 9	149,01	104,83 55,18
van 10 to 19	313,59	220,67 116,14
van 20 to 49	805,26	566,66 298,24

	Basisbedragen + documentatiecentra	
	36 maanden 24 maanden 12 maanden	
	65,99	46,18 24,44
	149,01	104,83 55,18
	313,59	220,67 116,14
	805,26	566,66 298,24

	Bedragen + persoverzicht + documentatiecentra	
	36 maanden 24 maanden 12 maanden	
	75,21	52,68 27,86
	170,30	119,81 63,06
	357,56	251,64 132,42
	918,77	646,53 340,28

STANDAARDBEDRAGEN (EURO) VOOR DE VERGOEDINGSPLICHTIGEN VAN VOLGENDE SECTOREN

Primaire sector, secundaire sector met o. a. winning van delfstoffen, vervaardiging van producten (behalve uitgave), water/gas/elektriciteit, bouwwerken, drukkerijen (copy shops niet inbegrepen), groot- en kleinhandel, horeca, transport (behalve reisagenschappen), schoormaak, ophaling vuilnis, beheer sportinstallaties en attractieparken, huishoudens met werknemers, wasserijen, diensten aan personen (kappers, schoonheidssalons)

[BTW tarief dat momenteel van toepassing is : 6 %; Dit is in de bedragen inbegrepen]

Uw personeelsbestand

Basisbedragen	
36 maanden 24 maanden 12 maanden	
van 0 tot 4	18,91 13,41 7,88
van 5 tot 9	47,97 33,17 17,77
van 10 to 19	101,17 71,20 37,48
van 20 to 49	261,08 183,74 96,68

Basisbedragen persoverzicht	
36 maanden 24 maanden 12 maanden	
8,23	5,78 3,05
18,44	12,99 6,84
39,02	27,47 14,45
99,33	69,91 36,79

Basisbedragen documentatiecentra	
36 maanden 24 maanden 12 maanden	
8,23	5,78 3,05
18,44	12,99 6,84
39,02	27,47 14,45
99,33	69,91 36,79

Uw personeelsbestand

Basisbedragen + persoverzicht	
36 maanden 24 maanden 12 maanden	
27,14	19,19 10,93
66,41	46,16 24,62
140,18	98,66 51,93
360,41	253,64 133,47

Basisbedragen + documentatiecentra	
36 maanden 24 maanden 12 maanden	
27,14	19,19 10,93
66,41	46,16 24,62
140,18	98,66 51,93
360,41	253,64 133,47

Bedragen + persoverzicht + documentatiecentra	
36 maanden 24 maanden 12 maanden	
36,37	24,96 13,98
84,85	59,15 31,46
179,20	128,13 66,39
459,74	323,55 170,25

STANDAARDBEDRAGEN (EURO) VOOR DE VERGOEDINGSPLICHTIGEN VAN VOLGENDE SECTOREN

Informatica, juridische beroepen, boekhouders en revisoren, onderzoek en ontwikkeling, technische raadgeving, studiebureaus, public relations, enquêtes en onderzoek, sociale zekerheid, sociale secretariaten en andere diensten voor beheer, landmeters, architecten, publiciteit, personeelselectie, interimkantoren, gezondheidszorg (hospitalen niet inbegrepen), medische en paramedische beroepen, kinesitherapeuten, dierenartsen, vertalers, incassobureaus, privé-bibliotheken, veilingwezen, decoratie, beroepsorganisaties, politieke en religieuze organisaties, verenigingen, audiovisuele sector en muzieksector, attracties en amusement, sportclubs, persagentschappen, uitgeverijen (boeken en pers) telecommunicatie (ontwikkeling en installatie)

[BTW tarief dat momenteel van toepassing is: 6 %. Dit is in de bedragen inbegrepen]

Uw personeelsbestand

Basisbedragen	
36 maanden	24 maanden
85,13	59,92
195,12	137,31
411,50	289,56
1.060,66	746,38

van 0 tot 4
van 5 tot 9
van 10 to 19
van 20 to 49

Basisbedragen persoverzicht	
36 maanden	24 maanden
5,68	3,99
12,49	8,78
26,25	18,47
68,12	47,92

Basisbedragen documentatiecentra	
36 maanden	24 maanden
5,68	3,99
12,49	8,78
26,25	18,47
68,12	47,92

Uw personeelsbestand

Basisbedragen + persoverzicht	
36 maanden	24 maanden
90,80	63,91
207,61	146,08
437,76	308,03
1.128,78	794,30

van 0 tot 4
van 5 tot 9
van 10 to 19
van 20 to 49

Basisbedragen + documentatiecentra	
36 maanden	24 maanden
90,80	63,91
207,61	146,08
437,76	308,03
1.128,78	794,30

Bedragen + persoverzicht + documentatiecentra	
36 maanden	24 maanden
96,48	67,90
220,10	154,86
464,01	326,50
1.196,90	842,22

2.3 Denmark

In general, reprographic reproduction - outside the field of private use - is subject to the so-called extended collective agreement license. Denmark imposes no levy on the manufacture, importation or sale of reprographic equipment, but only imposes the payment of a remuneration proportional to the amount of copies realised in a year. According to the Danish Copyright Act reprographic reproduction is allowed for educational use and for internal use in businesses, companies, organizations, institutions etc, if an agreement is made with an organization that represents the rights of the relevant authors. In practice this organization is Copy-Dan.

Tariffs are agreed between the parties and the government does not intervene. The tariff for the public sector does not differ from the tariff for corporations, organizations, businesses etc. However, discounts are given to for instance the public sector due to the reduction in administration costs. In the educational sector, the voluntary collective licensing is based on an extended collective licence as provided under article 50 of the Danish Copyright Act. Copy-Dan's fees on the main-areas calculated per student/year-student/participant-hours are as follows:

Business college:	194,69 kr per year/student
Technical school, polytechnic:	78,15 kr per year/student
School of music, (instrument-students) (choir, orchestra or ensemble students)	25,90 kr per student, 6,47 kr per student
Institution of higher education:	115,43 kr per year/student
Agricultural school:	36,83 kr per year/student
School of home economics:	40,00 kr per year/student
Health studies:	99,32 kr per year/student
Nursing school:	130,69 kr per year/student
Special School:	18,19 kr per year/student
"Production school":	28,80 kr per year/student
Confirmation classes:	6,14 kr per confirmation (minimum 250.-kr)
Central evening school federation:	0,0558 kr per participant/hour
Other evening schools:	0,076 kr per participant/hour (minimum 250.-kr)

Protection-percentage

Municipal primary and lower-secondary school [county or grade school] (0-7 th grade):	27%
Municipal primary and lower-secondary school [county or grade school] (0-10 th grade):	34%
Continuation school:	58,4%
(Danish) upper secondary school [High School]:	19,3%
Higher Preparatory (Examination) Course: HF-niveau	58,4% or
AVU-niveau	34%
College of education:	26,5%
Universities/institutions of higher education:	31,01%

Price per page copied from a protected work

The present price for the copying of copyright-protected material for educational use is 0,212 DKK per copied page. For universities, the current price is 0,2184 DKK.

The price for copying in private or public businesses is per January 1st 2003, 0,72 DKK per copy (approx. 0,10 euro) - corresponding to e.g. DKK 3.600 for 5.000 copies per year.

2.4 Finland

A possibility to make photocopies is based on a provision in the Copyright Act on extended collective licensing. According to Section 13 of the Finnish Copyright Act, "[a]nyone who has received authorization, from an organization representing a large number of Finnish authors in a certain field, to make copies of published works by photocopying or analogous methods of reproduction shall also have the right to make copies by the same methods of published works of the same field the author of which is not represented by the organization. The terms determined in the authorization shall be observed in the case of such reproduction." Finland imposes no levy on the manufacture, importation, or sale of reprographic equipment, but only imposes the payment of a remuneration proportional to the amount of copies realised in a year. The tariffs are negotiated between the organization mentioned in Section 13 above and the users. In line with the general competition rules the tariffs must be applied equally in equal situations. Centralized agreements for educational and government sector are negotiated annually between the Finnish Government and the organization representing a large number of Finnish authors (Kopiosto). According to Section 54, if the matter concerns the granting of an authorization referred to in Section 13, and the terms thereof, for the making of copies for use in educational activities, the matter can be settled by an arbitration procedure in the manner prescribed by decree. In the educational sector, the voluntary collective licensing is based on an extended collective licence. Kopiosto's prices per page in 2003 for different customer groups are:

- Educational sector: 2,96 cents
- Public administration: 3,7 cents
- Business sector: 3,7 cents

These tariffs apply respectively to schools, universities, music schools, state administration, municipalities, church administration, business enterprises and private associations.

2.5 France

France only imposes the payment of a remuneration proportional to the amount of copies realised in a year, not on reprographic equipment. The fees, established by the *Centre Français de la Copie*, vary from €0,03 to €0,76 per page, depending on the type of work reproduced, i.e. scientific or educational book, novels, magazines, or newspapers, and on the number of copies made in a year.

The specific tariff applicable for press publications is as follows (excluding VAT, per page format A4):

Category of publication	Remuneration
Press general public large distribution <i>General information newspapers and magazines and theme magazines with distribution superior to 150 000 copies</i>	€0,0305
Press general public <i>General information newspapers and magazines and theme magazines with distribution inferior to 150 000 copies</i>	€0,0534
Professional press <i>Professional newspapers and magazines with a distribution superior to 15 000 copies</i>	€0,0686
Specialised professional and cultural press <i>Professional newspapers and magazines with a distribution inferior to 15 000 copies, specialised cultural periodicals</i>	€0,1296
Professional press in science and medicine	€0,2897
Scientific, technical and medical professional works with periodical update service	€0,6250
Professional letters with limited distribution	€0,7622

The specific tariff applicable for books is as follows (excluding VAT, per page format A4):

Category of publication	Remuneration
Pocket books	€0,0305
School and educational books <i>Manuals – exercise books, tutorial books and training material – works for accompaniment of teaching activities – dictionaries, encyclopaedia, atlas.</i>	€0,0686
General literature <i>Novels – essays – poetry – theatre – current events – religion - esotericism</i>	€0,0838
University and professional books <i>All disciplines to the exception of professional books in science and medicine</i>	€0,0915
Practical books <i>Guides – books on know-how, self-development and on counselling – yearbooks for the general public</i>	€0,1067
Professional books in science and medicine	€0,1372
Highly illustrated books	€0,1982

The *Centre Français de la Copie* has also established tariffs for the making of photocopies in schools and educational institutions. These tariffs are established per student per year as follows:

- Secondary school: 1,52 €
- Business college:
 - from 1- 5 p: €0,2287
 - from 6-20 p: €0,9147
 - from 21- 50 p: €2,2867
 - from 51- 100 p: €4,5735
- Agricultural school:
 - From 1- 30 pages : €0,7622
 - From 31- 80 pages : €1,9818
 - From 81-130 pages : €3,2014
 - From 131- 180 pages : €4,5735
- Health studies:
 - from 1 - 30 p: €0,91
 - from 31- 80 p: €2,29
 - from 81-130 p: €3,81
 - from 131-180 p: €5,34
- Superior Technical School, Polytechnic :
 - from 1- 50 p: €1,07
 - from 51-150 p: €2,29
 - more than 150 p: €4,57
- University:
 - Where students receive 100 pages or less a year : €2,1343
 - Where students receive between 101 and 200 pages per year : €4,3296
 - Where students receive more than 200 pages per year : to be negotiated with the CFC
 - Remark : photocopies of protected works made by students by means of coin or card operated machines are authorized at no additional charge.

In addition to the General Tariff and the tariffs for schools and other educational institutions, the CFC has drawn up a tariff for the use of articles in newspaper cuttings and for the use of copyright protected works in a documentation centre. The tariff is €0,0229 per page copied according to the General Tariff or, in the case of newspaper cuttings, between €0,01 and €1,28 depending on the category of article.

2.6 Germany

Article 13 of the German Administration of Copyright and Neighbouring Rights Act provides that 'collecting societies shall draw up tariffs in respect of the remuneration they demand for the rights and claims they administer. Where inclusive contracts have been concluded, the rates of remuneration agreed upon in such contracts shall constitute the tariffs, which must be published in the official gazette. The basis for calculating the tariffs shall normally be the monetary advantages obtained from exploitation. The tariffs may also be computed on other bases where these result in adequate criteria for the proceeds of exploitation that may be assessed with reasonable economic outlay. When establishing tariffs, the proportion of the utilization of a work in the total exploitation shall be taken into appropriate account'. The amount of the levies for the reproduction of texts and other graphic works and the reprographic equipment that is subject to the payment of levies are determined by the collecting society VG WORT. According to the fee schedule appearing in Annex to the Copyright Act, a lump sum remuneration is to be paid on reprographic equipment. Such equipment includes black & white photocopiers, colour photocopiers, fax machines,⁷ and scanners. The amount of the levy imposed on photocopying equipment has been revised recently and is determined according to its reproduction capacity following a gradual scale of prices, ranging from € 38,35 for photocopiers capable of realising less than 12 copies per minute to € 306,78 for photocopiers capable of realising more than 70 copies per minute. The fees are doubled for colour photocopiers.

Law dealing with Copyright and Related Rights

Text of September 9, 1965, as last amended by the Law of 23 July 2002

Remuneration due to all owners of rights under Article 54(2), first sentence, shall be, for each reproduction appliance with a capacity of

<i>from 2 to 12 copies a minute</i>	38,35 EUR
<i>for colour copies</i>	76,70 EUR
<i>from 13 to 35 copies a minute</i>	51,13 EUR
<i>for colour copies</i>	102,26 EUR
<i>from 36 to 70 copies a minute</i>	76,70 EUR
<i>for colour copies</i>	153,40 EUR
<i>more than 70 copies a minute</i>	306,78 EUR
<i>for colour copies</i>	613,56 EUR

Following two decisions of the Bundesgerichtshof, the levy on faxes⁸ and scanners⁹ has been established following a progressive scale ranging from €8,18 to €255,65 depending on the capacity of the machines.

In addition to the payment of a levy on reprographic equipment, German users of reprographic material must also pay a remuneration proportional to the amount of copies realised in a year. Article 54(d) paragraph 2 states that 'the amount of the total remuneration to be paid by the operator shall depend on the type and extent of utilization of the appliance that is to be expected in view of the circumstances, particularly the location and the habitual use'. With respect to reproductions on paper size A4, that are exclusively used for educational purposes, the fee is €0,0256 per black and white reproduction and €0,0512 per colour reproduction. For all other reproductions, users must pay a fee of €0,0103 per black and white reproduction and a fee of €0,0206 per colour reproduction. These

⁷ See: BGH, Decision of 28 January 1999, I ZR 208/96, JurPC Web-Dock. 132/1999, where the Federal Supreme Court of Germany declared that fax machines fall under the category of equipment for which a levy must be paid.

⁸ BGH, 28 January 1999, I ZR 208/96, in *ZUM* 1999, p. 649.

⁹ BGH, 5 July 2001, I ZR 335/98, *GRUR* 2002/3, p. 246.

rates of remuneration shall be applied *mutatis mutandis* to other reproduction processes having a comparable effect.

To spare users from an intractable bureaucracy, the collecting society VG Wort adopted, in consultation with all interested parties, several standardised tariffs that take the three following criteria into account: the estimated amount of copies of copyright protected works, in view of the type of equipment used and its location, a minimum amount of copies per machine and the price of €0,0103 per copy. A first standardised tariff applies to copy shops and similar establishments, where the number and capacity of photocopy machines, and the proximity of a college or university constitute determining factors for the determination of the fee. A second standardised tariff applies to the business sector, where the number and capacity of photocopy machines are the factors taken into account. A third standardised tariff applies to coin or card operated photocopy machines that are available to the public in schools, libraries, or other public locations.¹⁰

a) Copy-Shop and similar establishments

- Operator with three or more machines per establishment, or
- Operator with only 1 or 2 machines per establishment, but the main activity of which is the making of photocopies (for example a Copyshop that operates only 1 or 2 machines), the tariff applies then per machine, per year:

Geräteklasse	-A- Hochschulnähe	-B- Nicht-Hochschulnähe	-C- Orte ohne Hochschule
I 2-12 Fotokopien/Min.	€ 38,64	€ 28,80	€ 19,32
II und III 13-70 Fotokopien/Min.	€ 185,28	€ 138,96	€ 93,00
IV über 70 Fotokopien/Min.	€ 154,56	€ 115,92	€ 77,28
Farbkopiergeräte	€ 67,44	€ 67,44	€ 67,44

Included in the category of college or university are the following:

Universitäten	Pädagogische Hochschulen	Akademien
Technische Universitäten	Theologische Hochschulen	Fachhochschulen
Technische Hochschulen	Musikhochschulen	Bundeswehrhochschulen
Gesamthochschulen	Kunsthochschulen	

An operator is located in the vicinity of a college or university, when the college or university or one or more of its dependences (for ex. an Institute) with at least 500 students is located at 500m walking distance or less. An operator is located in a town without a college or university, when there is no college or university or one or more of its dependences (for ex. an Institute) with at least 1000 students.

b) Businesses and similar establishments

For operators with 1 or 2 photocopy machines, the main activity of which is the making of photocopies, applies the following tariff per machine, per year:

Geräteklasse	Vergütungsbetrag
I : 2-12 Fotokopien/Min.	€19,32
II und III: 13-70 Fotokopien/Min.	€32,16

¹⁰ VG-Wort, 'Höhe und Abwicklung der Betreiberabgabe', available at: <http://www.vgwort.de/reprographieabgaben.php>

IV: über 70 Fotokopien/Min.	€77,28
Farbkopiergeräte	€67,44

c) *Coin or card operated photocopy machines*

Operators of coin or card operated photocopy machines must pay the following tariff per machine, per year:

Standort	Vergütungsbetrag
Geräte in Hochschulen (Definition s. o.) einschl. Instituten und Bibliotheken - D -	€378,60
Geräte in allgemeinen öffentlichen Bibliotheken / Stadtbüchereien etc.) sowie dezentralen Standorten (Studentenwohnheimen, Mensen, ASTA-Gebäuden) - O -	€69,08
Geräte an sonstigen Stellplätzen (z.B.im Einzelhandel, Bahnhöfen, Schulen etc.) - E -	€32,16

These rates of remuneration apply in each case for a calendar year. In the case of machines that are put into operation in the course of the year, the remuneration is to be calculated proportionately from the beginning of the month when it was put into operation. The classes of machines are directed at the income potential of the maker (copies/minute for DIN A4 format). De rates of remuneration apply in each case exclusive of the legal VAT (half tax rate, then 7%).

2.7 Greece

Article 14 of the Greek Law No. 3049 (Hardware levies) provides for the equipment levies and was recently amended as follows:

- i. The 2% levy on PCs is abolished
- ii. The 4% levy on photocopying machines and paper has remained. A new 4% levy on scanners and diskettes (with storage capability under 100 Mbytes) was added, which is distributed to authors and publishers of printed material
- iii. It is clarified that audio and audiovisual devices and storage means > 100 Mbytes (with a 6% levy) include digital devices except of those devices that are incorporated or can be incorporated in a computer.

All levies are computed either on import price or on sales price if the subjects are produced in Greece (and not on wholesale or retail price as provided by the previous law).

2.8 Italy

In Italy, there are no levies on the sale of reprographic equipment. On 18 August 2000, the Italian legislator adopted Law No. 248 concerning new provisions for the protection of authors' rights in particular with regard to reprography, audiovisual works, phonograms, computer software and similar products (off-line) and broadcasting (on-line). As professor Fabiani explains¹¹, the law seeks, in connection with reprography, to reconcile the interests of the public and those of authors and publishers by allowing photocopying of protected works where it does not exceed 15 % of each volume or issue of a periodical and provided that the reproduction is made for personal use. In exchange for this limited freedom to copy, the law introduced a right to remuneration for authors and publishers. This remuneration is proportional to the number of copies if the photocopies are made by 'copy shops' ('reproduction centers' according to the definition given in the law), which are liable for

¹¹ M. Fabiani, 'Chronique d'Italie', *R.I.D.A.* 2002/191, pp. 132-175, at p. 150.

payment. Article 68 of the Italian Copyright Act specifies that 'all responsables for premises or copy centers where copying or xerocopying machines or similar reproduction means are utilized or made available to third parties even for free, must pay a compensation to the authors and publishers of works of the mind published in printed form that by means of such machines are reproduced for the uses specified in the first sentence of this paragraph. The amount of said compensation and the terms of its collection and distribution are determined by the *Società Italiana degli Autori ed Editori* (SIAE). Unless otherwise agreed between SIAE and the interested trade associations, such compensation for each page reproduced cannot be less than the average price per page that is determined each year by ISTAT with reference to books.' The standard tariffs, calculated on the basis of the number of pages copied per year, distinguish between users who cooperate in the payment of the remuneration and those who do not. The fees have been established for 2003 at €0,06 per page for general users and at €0,05 per page for users who adhered to the Associations that have signed the agreements with the SIAE. There is currently no levy applicable to private enterprises that do not qualify as 'copy shops' or 'reproduction centres'. This means that, to make photocopies, private enterprises must obtain authorisation from the editors and publishers, regrouped in the *Associazione Italiana per i Diritti di Riproduzione delle Opere dell'ingegno* (AIDRO). Agreements are negotiated on a case-by-case basis.

There is currently no general levy covering the making of photocopies in schools, except for photocopies made in school libraries that are open to the public. The SIAE has concluded an agreement with the Ministry of Public Instruction, according to which a progressive fee must be paid for the making of copies in school libraries that are open to the public, ranging from €52 per year for 5000 copies to €310 per year for 40,000 copies. The SIAE has concluded an agreement with the Rectors of Universities of Italy according to which the latter pay a fee of €1,81 per student enrolled for the year 2002-2003 and a fee of €2,07 per student enrolled for the year 2003-2004.

Governmental institutions are not subject to a general levy. A levy is payable only with respect to libraries of regional, provincial and local administrations. The progressive fee is calculated on the basis of the amount of people living within the district concerned: the fee for the year 2002 ranges from €80 for a district of 10,000 people, to €770 for a town counting between 200,000 and 500,000 people and to €2590 for a city counting over 1 million inhabitants.

2.9 The Netherlands

According to article 17 of the Dutch Copyright Act of 1912, it is not an infringement of copyright to reproduce, on behalf of an enterprise, organization or other establishment, individual articles, reports or other texts which have appeared in a daily or weekly newspaper or weekly or other periodical, or short passages from books, pamphlets or other writings, in so far as they are scientific works. Such reproductions may only be made provided that they are limited to the number of copies which the enterprise, organization, or establishment may reasonably need and that the person who makes copies or orders the making of copies pays an equitable remuneration to the author of the work thus reproduced or his successors in title. The remuneration, the level of which is determined by the *Stichting Reprerecht*, is proportional to the amount of copies realised in a year. The general tariff per page reproduced is € 0,045, which applies to governmental institutions, libraries, educational institutions and other institutions active in areas of public interest as well as private enterprises. A reduction in price has been created in favour of educational institutions that are not part of an academic institution, for which the applicable tariff is €0,011 per page copied. The reason invoked for this difference in treatment is that educational institutions that do not provide academic education or that do not conduct scientific research generally reproduce works that are significantly less costly than their academic counterparts.¹²

According to article 16 of the Copyright Act of 1912, the taking over of parts of works in publications or sound or visual recordings made for use as illustrations for teaching purposes is not an infringement of copyright in a literary, scientific or artistic work, provided that an equitable remuneration is paid to

¹² Staatsblad 2002, 574, p. 1.

the author or his successors in title. The applicable tariff – also called the ‘Reader Agreement’ – is negotiated between the Publishers’ Association and the educational institutions. The fees are paid to the *Stichting PRO*, which re-distributes the collected money to the rights owners concerned. Distinct tariffs have been negotiated for colleges and universities, as well as for commercial and non-commercial institutions and for electronic and analogue material. These tariffs are published together as a general tariff, established on a per-page basis to be multiplied by the number of ‘readers’ made, as follows:

- Non-commercial institutions:
 - for electronic material: for the period between 01.01.2002 and 31.12.2002
 - from Dutch publications: €0,025
 - from foreign publications: €0,035
 - for analogue material: for the period between 01.01.2002 and 31.12. 2002
 - from Dutch publications: €0,03
 - from foreign publications: €0,04
- Commercial institutions:
 - Unique price for electronic/analogue and Dutch/foreign publications:
 - for the period between 01.01.2002 and 31.12. 2002: €0,07
- Poetry and music: €11,50 for the reproduction of complete poems or music texts.

2.10 Portugal

Information on the Portuguese reprography regime is only available regarding the ‘appliance tariff’, where manufacturers, importers and intra-community acquirers of photocopy machines must pay a levy in the amount of 3% on the sale of each unit. A ‘user tariff’, i.e. a levy proportional to the number of copies made in a year, also exists in Portugal, but we were unable to obtain any information as to its precise amount.

LEI Nº 62/98, DE 1 DE SETEMBRO

Regula o disposto no artigo 82º do Código do Direito de Autor e dos Direitos Conexos

A Assembleia da República decreta, nos termos da alínea c) do artigo 161º, da alínea d) do nº 1 do artigo 165º e do nº 3 do artigo 166º da Constituição, para valer como lei geral da República, o seguinte:

Artigo 1º (Objecto)

1. A presente lei regula o disposto no artigo 82º do Código do Direito de Autor e dos Direitos Conexos, aprovado pelo Decreto-Lei n.º 63/85, de 14 de Março, na redacção dada pelas Leis n.os 45/85, de 17 de Setembro, e 114/91, de 3 de Setembro.

2. O disposto na presente lei não se aplica aos programas de computador nem às bases de dados constituídas por meios informáticos, bem como aos equipamentos de fixação e reprodução digitais e correspondentes suportes.

Artigo 2º (Compensação devida pela reprodução ou gravação de obras)

No preço de venda ao público de todos e quaisquer aparelhos mecânicos, químicos, electrónicos ou outros que permitam a fixação e reprodução de obras e, bem assim, de todos e quaisquer suportes materiais virgens analógicos das fixações e reproduções que por qualquer desses meios possam obter-se incluir-se-á uma quantia destinada a beneficiar os autores, os artistas intérpretes ou executantes, os editores, os produtores fonográficos e os videográficos.

Artigo 3º (Fixação do montante da remuneração)

1. O montante da remuneração referida no artigo anterior é anualmente fixado, em função do tipo de suporte e da duração do registo que o permite, por despacho conjunto dos Ministros das Finanças e da Cultura, e ouvidas as entidades referidas nos artigos 6º e 8º.

2. Sempre que a utilização seja habitual e para servir o público, o preço de venda ao público das fotocópias, electrocópias e demais suportes inclui uma remuneração cujo montante é fixado por acordo entre a pessoa colectiva prevista no artigo 6º e as entidades públicas e privadas, com ou sem fins lucrativos, que utilizem aparelhos que permitam a fixação e a reprodução de obras e prestações.
3. A remuneração a incluir no preço de venda ao público dos aparelhos de fixação e reprodução de obras e prestações é igual a 3% do preço de venda estabelecido pelos respectivos fabricantes e importadores.
4. A duração de gravação de um suporte audio ou vídeo presume-se ser a nele indicada pelo fabricante.

2.11 Spain

With respect to reprographic activities, Spain imposes a levy on the sale of reproduction equipment in addition to the payment of a proportional remuneration per page copied. The levy on reprographic equipment is fixed at article 25(5) of the Spanish Copyright Code and varies according to the capacity of the equipment, ranging from € 45 (7,500 pts) for photocopiers capable of realising less than 9 copies per minute to €222,38 (37,000 pts) for photocopiers capable of realising 50 copies per minute or more.

Real Decreto 1434/1992, de 27 de Noviembre de 1992 (BOE núm. 301, de 16de Diciembre que desarrolla los artículos 24, 25 y 140 de la [Ley 22/1987](#), según la [Ley 20/1992](#).

27 de Noviembre de 1992

Artículo 16. Importe anual de la remuneración en función de los diferentes equipos, aparatos y materiales. (Derogado por [Ley 43/1994](#))

1. La remuneración compensatoria se determinará anualmente en función de los equipos, aparatos y materiales fabricados en España o adquiridos fuera del territorio español, para su distribución comercial o utilización dentro del mismo, que hayan originado el nacimiento de la obligación en el año natural anterior, de acuerdo con las reglas establecidas en este Real Decreto.

2. El importe total de la remuneración compensatoria se determinará por aplicación de las siguientes cantidades:

a) Equipos o aparatos de reproducción de libros o publicaciones asimiladas:

1.ª 7.500 pesetas por equipo o aparato con capacidad de copia de hasta 9 copias por minuto.

2.ª 22.500 pesetas por equipo o aparato con capacidad de copia desde 10 hasta 29 copias por minuto.

3.ª 30.000 pesetas por equipo o aparato con capacidad de copia desde 30 hasta 49 copias por minuto.

4.ª 37.000 pesetas por equipo o aparato con capacidad de copia desde 50 copias por minuto en adelante.

In addition to the statutory ‘appliance tariff’, the Spanish collecting society CEDRO also negotiated with user associations a general fee of €0,02134 per page photocopied, as well as a specific tariff of € 2,85 per student per year for educational institutions and of €0,07273 per page of sheet music copied in music schools. However, CEDRO grants a reduction in price of 25% to recognised cultural entities. Moreover, the following fees apply to copy-shops and businesses:

Machine class	A) Copy Shops and similar establishments			B) Businesses and similar establishments	
	Proximity of Educational Institution	No proximity of Educational Institution	Town without Educational Institution		
1) 1-15 copies/mn.	€251,01	€167,57	€114,22	from 1-250 employees:	€4,98 per empl./y
2) 16-49 copies/mn.	€498,49	€334,80	€231,87	over 250 employees:	€4,33 per empl./y
3) over 50 copies/mn.	€749,49	€498,49	€350,00		

2.12 Sweden

Sweden imposes no levy on the manufacture, importation, or sale of reprographic equipment, but only imposes the payment of a remuneration proportional to the amount of copies realised in a year. In the educational sector, the voluntary collective licensing is based on an extended collective licence provided for at article 26i of the Swedish Copyright and Neighbouring Rights Act. Bonus Presskopia's fees on the main-areas calculated per student/year according to the level of education are as follows:

- Elementary school level: 5,35 SEK,
- Secondary school level: 28,62 SEK and
- College level: 63,66 SEK

Universities pay a fee of 109,30 SEK per student per year.

The tariff applicable to businesses and professions varies according to the number of employees: for a business counting up to 29 employees, must pay 750 SEK per year. The price increases proportionately with the number of employees.

2.13 United Kingdom

There are two exceptions to copyright in UK law which are relevant to reprography (photocopying). One is the exception in section 29 of the Copyright, Designs and Patents Act 1988 which allows 'fair dealing' with literary and similar works for purposes of research or private study, and the other is in section 36 of the 1988 Act and permits photocopying of passages (not more than 1%) from published works by educational establishments for teaching purposes. However, the section 29 exception allows only a limited amount of copying, and does not permit the making of multiple copies. Moreover, we are now in the process of amending section 29 to limit it to copying for non-commercial purposes where research is concerned, in view of Article 5.3(a) of Directive 2001/29. In fact, most businesses etc wish to copy more than is permitted by the section 29 exception, i.e. what they want to do is outside the exception and subject to control by right owners, and for several years now a collecting society, the Copyright Licensing Agency (CLA) has been offering licences for photocopying in businesses etc. The CLA also licenses educational establishments, since the section 36 exception includes a condition that it does not apply to the extent that right owners offer licences for educational copying. The section 36 exception thus applies in practice to only those relatively few materials that are not within the scope of the CLA licence.

CLA tariffs are not established by, or subject to approval by, the UK government. However, if users are dissatisfied with the tariff, they can bring the matter before the Copyright Tribunal for arbitration. The Tribunal is an independent, non-governmental, body established by statute. CLA tariffs for businesses and the government sector are on the basis of a fee per 'professional employee' (managers and senior officials etc) per annum. The highest fee currently is £28.87 per employee per annum (which applies, eg, to the pharmaceutical industry and research and development organisations), and the lowest £9.29 per annum. The fee for government departments is £18.58 per employee per annum, which also applies to some industries (eg banking and mining).

CLA fees for the educational sector are on a per student per annum basis and are £0.91 for primary schools, £1.01 for secondary schools, and £4.00 for further and higher educational establishments.

There is another collecting society, the Newspaper Licensing Agency (NLA) which licenses photocopying from newspapers. (The CLA covers books etc). The basic fee approach of the NLA in the case of businesses is an annual fee based on number of employees/turnover of business. These fees are on a sliding scale ranging from £90 per annum for a business with 5 or less employees and a turnover below £0.25 million, to £4,175 for a business with over 200,000 employees and turnover in excess of £2 billion.

3. Conclusion

If this brief overview of the reprography tariffs in force in the countries of the European Union demonstrates one thing, it is that the tariffs in force in one Member State are hardly comparable with those of another. It is very difficult indeed to draw a definite conclusion as to how the Dutch reprography regime compares in price with those of other European countries for a number of reasons. First, the actual basis for the payment of remuneration for reprographic activities varies significantly from one EU Member State to another. Countries impose levies following either one of four ways: 1) on the sale of reproduction equipment, such as photocopy machines, and facsimile machines; 2) proportional to the amount of copies realised in a year; 3) proportional to the number of students or employees; or 4) a combination of either one of the three preceding systems. Second, the mode of calculation of levies imposed on reproduction equipment differs significantly from one country to another. In some countries, the remuneration on equipment is calculated in proportion to the sales price of such equipment, while in other countries, the remuneration on equipment is paid in the form of a lump sum. In other countries, where remuneration is calculated in proportion to the amount of copies made in a year, the price per copy may vary according to the type of work reproduced (i.e. scientific or educational book, novels, magazines, or newspapers), and to the type of equipment used or to the quality of the reproductions. When determining the price per copy, most countries and collecting societies also make a distinction according to the sector of activity, i.e. the private sector, the public sector, and the educational sector.

More specifically, the Dutch reprography regime cannot be directly compared to the regimes of the eight following Member States:

- **Greece** because there is only an ‘appliance tariff’ in force;
- **Austria, Belgium, Germany, Portugal and Spain**, because there is both an ‘appliance tariff’ and a ‘user tariff’ in force;
- **United Kingdom and Sweden**, because the fee is calculated exclusively in proportion to the number of employees/students present in the business/institution instead of being calculated in proportion to the amount of pages copied in a year.

To some extent, the Dutch reprography regime could be compared with those of the four following Member States: **Denmark, Finland, France, and Italy**.

- **Denmark**: only the price per page for businesses and public sector, which is approximately of € 0,096, can be compared to the Dutch price of € 0,045 per page copied; the levy applicable in Denmark for the educational sector cannot be compared with the Dutch system, because it is calculated exclusively in proportion to the number of students present in the institution instead of being calculated in proportion to the amount of pages copied in a year.
- **Finland**: the price per page for businesses and public sector is €0,037, which appears to be lower than the price of €0,045 per page copied in the Netherlands; Finnish primary and secondary schools pay a price of €0,0296 per page copied, where Dutch schools only pay € 0,011 per page copied. On the other hand, Finnish universities pay a price of €0,0296 per page copied, which appears lower than the fee that Dutch universities have to pay which ranges between €0,025 and €0,07 per page depending of the type of work copied and on the type of institution concerned.
- **France**: the price per page for businesses varies from €0,0305 to €0,7622 depending on the category of work copied, which on average appears to be higher than the price of €0,045 per page copied in the Netherlands (since only general public press and pocket books are priced lower than €0,045). For newspaper cuttings and use of works in documentation centers, the average price asked is €0,0229 and thus appears to be lower than the price of €0,045 per

page copied in the Netherlands (if applicable in these situations). The levy applicable in France for the educational sector cannot be compared with the Dutch system, because it is calculated exclusively in proportion to the number of students enrolled in the institution instead of being calculated in proportion to the amount of pages copied in a year.

- **Italy:** the price per page of €0,06 or €0,05 (which depends on whether the user co-operates with the collecting society) only applies to copy-shops and reproduction centres, whereas the price of €0,045 per page copied in the Netherlands applies to all private and public sector entities. Contrary to the Netherlands where schools pay €0,011 per page copied, there is currently in Italy no levy system for schools. Universities in Italy pay a fee of €1,81 per student per year, while Dutch universities pay a levy ranging between €0,025 and €0,04 per page depending on the type of work and institution concerned.

However, in comparing the regimes of these four Member States with the Dutch regime, one must also take into consideration the type of activities that each system covers and the restrictions that are attached thereto. Indeed, not all regimes cover the same types of activities. In France for example, a special agreement has been concluded for the making of newspaper cuttings and for the use of protected works in documentation centers, for which the collecting society Reprorecht does not, to our knowledge, have a separate tariff. The maximum amount of pages that schools are allowed to make varies in France between 100 and 180 pages per student per year depending on the type of school concerned, whereas the limit allowed by the Dutch collecting society PRO is calculated on the basis of the ‘amount of words’ taken from each work. Contrary to the situation currently prevailing in the Netherlands, schools in Italy are not currently subject to a levy system for the reproductions made by means of reprography. Moreover, except for ‘copy shops’, ‘reproduction centres’ and libraries of public authorities (central, regional and local), there is currently no system for the collection of remuneration for photocopies made for internal purposes by private enterprises and public institutions in Italy.

Of all regimes currently in force in the European Union, the Finnish reprography regime is perhaps the only system with which the Dutch system may be directly compared. There, the price per page copied asked from the private and public sector is €0,037, which appears to be lower than the Dutch price of €0,045. Finnish primary and secondary schools pay a price of €0,0296 per page copied, where Dutch schools only pay €0,011 per page copied. On the other hand, Finnish universities pay a price of €0,0296 per page copied, which appears lower than the fee that Dutch universities have to pay which ranges between €0,025 and €0,07 per page depending on the type of work copied and on the type of institution concerned.

Another factor to take into consideration when comparing the reprography regimes of different countries is the extent to which the competent collective society in each country actually enforces the tariffs in the different sectors of activity. Although no information was collected on this point, one can reasonably presume that not all collecting societies across the European Union will deploy the same level of energy and resources in monitoring the amount of copies made annually by every entity subject to the payment of remuneration or in the collection of the sums due. Consequently, it might be less costly for users to be subject to an expensive tariff that is poorly enforced than to be subject to a cheap tariff that is very strictly enforced. Finally, the costs involved for each user with respect to the administration of the reprography regime must also be taken into account. Although no information was collected on this point, one can easily imagine that an importer or manufacturer of reprographic equipment can more easily keep track of the number of appliances put on the market in order to pay the ‘appliance tariff’, than a library, school, copy-shop, business or governmental office can keep track of the amount of copies made from copyright protected works in order to pay a remuneration calculated in proportion to the amount of pages copied annually.

For all the reasons mentioned above and given the limited time and resources available for the completion of this study, it is impossible for us to conclude whether the Dutch reprography regime is more or less expensive than the ones of other European Member States.

Annex – Comparative Tables of Reprography Tariffs in the European Union

1.1 Appliance Tariff

	Austria		Belgium		Germany		Greece	Portugal	Spain	
Photocopiers (Black & White)			from 0 – 6 p/mn	€3,99 ¹	from 2 - 12 p/mn	€38,35	4 % of the sales price	3 % of the sales price		
	from 0 – 9 p/mn ²	€10,22	from 6 – 9 p/mn	€14,64					from 0 – 9 p/mn	7500 Pts or €45
	from 10 - 19 p/mn	€30,90	from 10 - 19 p/mn	€47,92	from 13-35 p/mn	€51,13			from 10 – 29 p/mn	22500 Pts or €135,22
	from 20 - 39 p/mn	€88,34	from 20 - 39 p/mn	€155,73					from 30 – 49 p/mn	30000 Pts or €180,30
	from 40 - 69 p/mn	€150,21	from 40 - 59 p/mn	€258,22	from 36-70 p/mn	€76,70			over 50 p/mn	37000 Pts or €222,38
	Over 70 p/mn	€344,60	from 60 – 89 p/mn	€645,55	over 70 p/mn	€306,78				
	minimum price of €88,34 for colour printers		over 89 p/mn	€1464,13	prices double for colour copies					
Faxes	Simple Fax	€5,26			from €8,18 to €255,65 depending on the capacity					
	Fax. Incl. Scanner	€10,60								
	Fax Incl. Laser Printer	€21,21								

¹ Unless otherwise indicated, the prices are per page copied.

² 'p/mn' means 'page(s) per minute'.

	Austria		Belgium		Germany	Greece	Portugal	Spain
Scanners (Black & White)	from 0-12 p/mn	€10,00	resolution of less than 200dpi	€1,60 ³ €2,66 €5,85	from €8,18 to €255,65 depending on the capacity	4 % of the sales price		
	from 13-35 p/mn	€56,22	res. between. 200 – 299 dpi	€3,19 €4,66 €19,96				
	from 36-70 p/mn	€108,48	res. between 300 - 399 dpi	€4,79 €6,66 €34,61				
	Over 70 p/mn	€313,31	res. between 400 – 499 dpi	€6,39 €8,66 €49,25				
			res. between 500-599 dpi	€6,39 €8,66 €63,88				
			res. between 600-1199 dpi	€7,99 €10,65 €79,86				
Manual Scanners	€3,74							
Duplicator			€258,22					
Offset Machine			€645,55					

³ Different prices for handheld scanner, sheet-feeder scanner, and flatbed scanner.

1.2 User Tariff

		Austria		Germany		Spain	
Price per page A4 (Black & White)				€0,0256		€0,02134 but 25% off for cultural entities	
Price per page A4 (Colour)				€0,0512			
Price per page of other format (B&W)				€0,0103			
Price per page of other format (Colour)				€0,0206			
Businesses & Public sector		from 1-12 p/mn	€15,77 ⁴	from 1-12 p/mn	€19,32 ⁴	from 1-250 employees	€4,98 per empl./y
		from 13-70 p/mn	€26,23 ⁴	from 13-70 p/mn	€32,16 ⁴	over 250 employees	€4,33 per empl./y
		over 70 p/mn	€62,93 ⁴	over 70 p/mn	€77,28 ⁴		
		colour copies	€52,47 ⁴	colour copies	€67,44 ⁴		
Coin or Card operated machines	Educational institution	€308,28 ⁴		€378,60 ⁴		€2,85 ⁵ but 25 % off for cultural entities	
	Public libraries	€137,72 ⁴		€69,08 ⁴		€0,02134 but 25% off for cultural entities	
	Miscellaneous locations	€26,23 ⁴		€32,16 ⁴			
Copy Shop	Close to educational institution	from 1-12 p/mn	€31,47 ⁴	from 1-12 p/mn	€38,64 ⁴	from 1- 15 p/mn	€251,01 ⁴
	Not close to educational institution	from 13-70 p/mn	€150,87 ⁴	from 13-70 p/mn	€185,28 ⁴	from 16-49 p/mn	€498,49 ⁴
		over 70 p/mn	€125,94 ⁴	over 70 p/mn	€154,56 ⁴	over 50 p/mn	€749,49 ⁴
In town without educational institution	from 1-12 p/mn	€23,55 ⁴	from 1-12 p/mn	€28,80 ⁴	from 1- 15 p/mn	€167,57 ⁴	
	from 13-70 p/mn	€113,22 ⁴	from 13-70 p/mn	€138,96 ⁴	from 16-49 p/mn	€334,80 ⁴	
	over 70 p/mn	€94,47 ⁴	over 70 p/mn	€115,92 ⁴	over 50 p/mn	€498,49 ⁴	
Music school	from 1-12 p/mn	€15,77 ⁴	from 1-12 p/mn	€19,32 ⁴	from 1- 15 p/mn	€114,22 ⁴	
	from 13-70 p/mn	€75,65 ⁴	from 13-70 p/mn	€93,00 ⁴	from 16-49 p/mn	€231,87 ⁴	
	over 70 p/mn	€62,93 ⁴	over 70 p/mn	€77,28 ⁴	over 50 p/mn	€350,00 ⁴	
						€0,07273 but 25% off for cultural entities	

⁴ Price per machine, per year.

⁵ Price per student, per year.

	Belgium		Denmark	France
Price per page A4	€0,0160 if cooperation with Reprobel €0,0266 if no cooperation with Reprobel			from €0,0305 to €0,7622 depending on the category of work
Businesses	Financial sector, insurance, travel agents etc.	0-4 employees: €21,02/y 5-9 employees: €47,30/y 10-19 employees: €99,85/y 20-49 employees: €256,20/y	0,72 DKK or €0,096	
	Primary sector, horeca, transport etc.	0-4 employees: €7,88/y 5-9 employees: €17,77/y 10-19 employees: €37,48/y 20-49 employees: €96,68/y		
	ICT, legal, accountants, PR, architects etc.	0-4 employees: €31,53/y 5-9 employees: €72,26/y 10-19 employees: €152,40/y 20-49 employees: €392,84/y		
Public sector			0,72 DKK or €0,096	
Newspaper cuttings	Financial sector, insurance, travel agents etc.	0-4 employees: €3,42/y 5-9 employees: €7,88/y 10-19 employees: €16,29/y 20-49 employees: €42,04/y		€0,0229 General Tariff or between €0,01 and €1,28 depending on the category of article
	Primary sector, horeca, transport etc.	0-4 employees: €3,05/y 5-9 employees: €6,84/y 10-19 employees: €14,45/y 20-49 employees: €36,79/y		
	ICT, legal, accountants, PR, architects etc.	0-4 employees: €2,11/y 5-9 employees: €4,64/y 10-19 employees: €9,72/y 20-49 employees: €25,24/y		
Documentation centre	Financial sector, insurance, travel agents etc.	0-4 employees: €3,42/y 5-9 employees: €7,88/y 10-19 employees: €16,29/y 20-49 employees: €42,04/y		€0,0229
	Primary sector, horeca, transport etc.	0-4 employees: €3,05/y 5-9 employees: €6,84/y 10-19 employees: €14,45/y 20-49 employees: €36,79/y		

		Belgium	Denmark	France
		ICT, legal, accountants, PR, architects etc.	0-4 employees: €2,11/y 5-9 employees: €4,64/y 10-19 employees: €9,72/y 20-49 employees: €25,24/y	
Schools and educational institutions – general tariff		€0,0120 if co-operation with Reprobel €0,0200 if no co-operation with Reprobel		
Schools general tariff	Primary school		0,212 DKK or €0,028	€1,45 ⁵
	Secondary school			€1,52 ⁵
Specialised Schools	Business college		194, 69 ⁵ DKK or €26,21	from 1- 5 p: €0,2287 ⁵ from 6-20 p: €0,9147 ⁵ from 21- 50 p: €2,2867 ⁵ from 51- 100 p: €4,5735 ⁵
	Technical school, Polytechnic		78,15 DKK ⁵ or €10,52	from 1- 50 p: €1,07 ⁵ from 51-150 p: €2,29 ⁵ more than 150 p: €4,57 ⁵
	Music school		(instr.) 25,90 DKK ⁵ or €3,48 (choir) 6,47 DKK ⁵ or €0,87	
	Institution of higher education		115,43 DKK ⁵ or €15,54	
	Agricultural school		36,83 DKK ⁵ or €4,96	from 1 - 30 p: €0,7622 ⁵ from 31 - 80 p: €1,9818 ⁵ from 81- 130 p: €3,2014 ⁵ from 131 -180 p: €4,5735 ⁵
	School of home economics		40,00 DKK ⁵ or €5,38	
	Health studies		99,32 DKK ⁵ or €13,37	from 1 - 30 p: €0,91 ⁵ from 31- 80 p: €2,29 ⁵ from 81-130 p: €3,81 ⁵ from 131-180 p: €5,34 ⁵
	Nursing school		130,69 DKK ⁵ or €17,60	
	Special school		18,19 DKK ⁵ or €2,44	
	Production school		28,80 DKK ⁵ or €3,88	
Universities			0,2184 DKK ⁵ or €0,029	less than 100 p/year: €2,1343 ⁵ from 101- 200 p/year: €4,3296 ⁵ More than 200 p.: to be negotiated

	Finland	Italy	Netherlands	Sweden	United Kingdom	
Businesses	€0,037	no levy system	€0,045	750 SEK ⁵ or €80,75 for business with less than 29 employees Fee increases proportionately with number of employees	<ul style="list-style-type: none"> from £ 9.29 to £ 28.87 per employee per year depending on the industry sector or from €13,62 to € 42,32 	
Copy-shops		€0,06 or €0,05 depending on whether the user co-operates with the SIAE or not	€0,045			
Public administration, Public libraries	€0,037	only libraries of public authorities: city of 10,000 inh.: €80/y 200,000 – 500,00 inh.: €770/y over 1 million inh.: €2590/y	€0,045	750 SEK or €80,75 for government departments with less than 29 employees Fee increases proportionately with number of employees	£ 18.58 per employee per year – or €27,24	
School libraries		for 5000 copies: €52 /y for over 40,000 copies: €310/y				
Schools	Primary school	€0,0296	no levy system	€0,011	5,35 SEK ⁵ or €0,57	£ 0.91 ⁵ or €1,33
	Secondary school	€0,0296	no levy system	€0,011	28,62 SEK ⁵ or €3,08	£ 1.01 ⁵ or €1,48
	College level	€0,0296		Non-commercial institution electronic material: <ul style="list-style-type: none"> Dutch publication: €0,025 Foreign publication: € 0,035 Non-commercial institution analogue material: <ul style="list-style-type: none"> Dutch publication: €0,03 Foreign publication: €0,04 Commercial institution: single price: €0,07	63,66 SEK ⁵ or €6,85	£ 4.00 ⁵ or €5,86

	Finland	Italy	Netherlands	Sweden	United Kingdom
Universities/Educational institutions	€0,0296	€1,81 ⁵	Non-commercial institution electronic material: <ul style="list-style-type: none"> • Dutch publication: €0,025 • Foreign publication: € 0,035 Non-commercial institution analogue material: <ul style="list-style-type: none"> • Dutch publication: €0,03 • Foreign publication: €0,04 Commercial institution: single price: €0,07	109,30 SEK ⁵ or €11,77	£ 4.00 ⁵ or €5,86
Newspaper cuttings					<ul style="list-style-type: none"> • from £ 90 per year for business of less than 5 employees to • £4174,00 per year for business of over 200000 employees