

# Private copying to promote culture

Press Conference

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**Théâtre de l'Athénée Louis Juvet**  
24, rue Caumartin – Paris 75009  
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## 50 French organizations for private copying

**For the first time, 50 organizations are launching an operation together targeting the general public to help better understand private copying.**

The purpose of this operation is to emphasize the significance of a system that remains poorly known to the public at large and that makes an essential contribution to preserving cultural diversity and artistic vitality in our country (and all the European countries that have adopted it).

### **What is private copying?**

Few people in France know that, since 1985, when purchasing blank media or equipment for recording music and images (including blank tapes, CDs or DVDs, digital MP3 players, audiophile USBs keys, home digital recording devices), a small part of the selling price (the private copy levy) goes to pay the authors, publishers, performers and producers of the works these devices serve to copy.

Even fewer realize that a quarter of the sums collected in this way go to funding a wide range of cultural events over the entire territory. In 2006, the contribution of private copying to cultural actions and support for creation in France amounted to nearly 40 million euros.

### **Private copying, a pact between creators and the public**

For over 20 years, private copying has unquestionably provided a balance between the public natural aspiration for access to works and the necessary preservation of creators' rights and royalties.

This flexible system rests on negotiation and consensus between representatives of the public, rights holders and manufacturers. Over the years, it has demonstrated its ability to adapt to the technological upheaval of the digital revolution.

**Beyond its importance in ensuring income for creators (75% of the sums collected are paid to them directly), it can be asserted that private copying establishes a genuine pact between creators and the public by involving the latter in contributing to the creative process.**

By paying the levy, the public participates directly in funding a large number of cultural events in a great diversity of genres and repertoires. Private copying helps fund festivals, large and small, as well as theatre, concerts, street entertainment and puppet shows, opera, hip-hop, multimedia creations, still images, reports, short films and the circus - nearly 5,000 artistic projects each year... to suit all tastes and ages all over France!

## **A label to inform the public**

The creation today of a '*label copie privée*' (private copy label) satisfies the desire of signatory organizations to give private copying a higher profile at a time when it is under threat, and recognition for its essential role in promoting cultural diversity and dynamism in our country.



**From now on, all cultural events benefiting from private copying resources will place this label on all communication supports so the general public can become aware that the private copy levy is an essential tool for financing the country's cultural life, something in which they themselves participate.**

### Private copying under threat

Our organizations decided to join forces in the face of a renewed threat to the private copy levy.

For several months now, it has been the target of a genuine attack on the part of electronic and computer equipment manufacturers.

These manufacturers are pleading with the European Commission for its suppression on the grounds that the levy penalizes their marketing policy and is detrimental to consumers. They also supported a draft recommendation challenging it in Brussels.

To bolster their argumentation, equipment manufacturers use spurious arguments and skewed figures. In fact, it has been statistically proven that private copying in no way hinders the industry's development or that of online music services (for both music and cinema). The penetration rate for MP3 players in the markets in France and Germany - countries with a private copy levy - is comparable to that of the UK, where no such levy exists.

For example, the levy for an Apple iPod nano 4GB sold for €259 amounts to €8 in France, which obviously poses no threat to the competitiveness of the equipment manufacturers concerned.

With consumers buying millions of MP3 players and content contributing very significantly to the growth of the ICT (Information and Communication Technology) industry, that same industry aims to destroy a major source of revenue for the creative sector.

### The world of culture on the defensive

In October 2006, creators, producers, publishers, festival organizers and artists went to the European authorities to defend the private copying system.

A few weeks later, in December, the President of the European Commission, José Manuel Barroso, postponed adoption of the recommendation.

The manufacturers industry was undaunted, however. Last 12 February, they sent a letter to President Barroso, expressing their dissatisfaction with his decision to postpone a reform of the private copy levy. Nowhere is there any mention of the usefulness of this levy for cultural activities or its contribution to the dynamism of creativity.

### Informing the public on private copying

This is why, today, artists, creators, publishers and producers, as well as some representatives of the public are joining forces to preserve the system. Fifty professional organizations and trade unions signed a common document [platform] and designed an easily identifiable private-copy logo (*Logo copie privée*) to identify cultural events enjoying this support.

### **Private copying in the European Union**

Of the 27 EU member states, only two do not provide in their legislation an exception for private copying. In those two countries (Ireland and United Kingdom), consumers do not have the right, theoretically, to undertake acts of private copying.

Of the 25 member states that do provide for this exception, only four (Bulgaria, Cyprus, Malta and Luxembourg) have not yet organized a system of compensation for rights holders. In the 21 countries offering such compensation, the right to remuneration entails mandatory collective management.

According to the different countries, the private copy levy applies to recording devices or to blank media, or both. The amount of remuneration may be fixed, either as a lump sum proportional to the potential recording capacity, or calculated as a percentage of the sales price of the media or the device.

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