

## Resolution adopted by the IFRRO's European Group 2 June 2015

The International Federation of Reproduction Rights Organisations (IFRRO), with 144 member organisations in 79 countries, which in turn represents several million authors, publishers and other rightholders to text and image works worldwide, met in Vienna on 2 June 2015. Its European Group adopted the following **statement**:

The IFRRO European Group **notes** that the

- European Union Copyright Directive, in articles 5.2a. and 5.2.b., allows EU Member States to introduce exceptions or limitations to the exclusive rights granted to authors, publishers and other rightholders for certain uses of their works, provided that they receive fair compensation
- users of copyright works, including in education and research, benefit largely from the facilitation of certain legal usages through collective rights management, and that income from such uses is vital to authors, publishers and other rightholders for the creation and publication of new quality work, not least educational material
- compensation to authors, publishers and other rightholders for certain usages of their work under a limitation on the basis of copyright levies applies in nearly all EU Member States for the copying for private purposes, and a large number of Member States for uses beyond private copying in respect of reprographic and similar reproduction of published works
- fair compensation granted to authors, publishers and other rightholders for copying of their works authorised under limitations in the Austrian Copyright Act against obligations to pay fair remuneration has been substantially reduced over the past years
- need of clarification regarding equipment, devices and media to be covered by the copyright levies under the Austrian Copyright Act is urgent
- Report of the European Commission mediator Mr. Vitorino stresses that *"the general 'leviability' of media, device or equipment [ ] solely depends on whether a product is technically capable of making copies"*
- Austrian rightholders have been forced into law suits to obtain clarification on the interpretation of the provisions of the Austrian Copyright Act on copyright levies
- relationship between the obligation to pay fair compensation and compensating authors, publishers and other rightholders on the basis of a tax, or over the State budget is questionable
- requests have been put forward for a legal cap on both private copying and text and image (reprography) levies

For these reasons, the IFRRO European Group **requests** the Austrian Government to:

1. ensure that the compensation, which authors, publishers and other rightholders receive for the copying of their works under limitations in the Austrian copyright Act is fair, in conformity with the European Union Copyright Directive
2. amend Section 42b of the Austrian Copyright Act, so as to clearly include any media, device, or equipment capable of making copies of copyright works
3. refrain from substituting the existing levy system for private copying with a statutory tax, or a similar mechanism
4. refrain from introducing a cap on the levy to be paid, to substitute the current mechanisms for the establishment of the levy through negotiations and recourse procedures

Vienna 2 June 2015