[AT] Levy for Reproduction of Compressed Music Files (MP3)

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Urheberrechtgesetz - UrhG), music may Background: Under Sections 42 and 42a of the Austrian Copyright Act (be copied for personal use, which means that, under certain conditions, people may legally breach what, in principle, are exclusive reproduction rights. In order to compensate for the financial losses that such copying entails for rightsholders, Section 42b of the Copyright Act provides for two types of levy that have to be paid to collecting societies: the blank tape levy and the reproduction levy (the latter comprises an equipment levy and an operator's levy).

The blank tape levy is designed to compensate the rightsholder for loss of earnings from the sale of sound and picture carriers caused by private copying: "Since it is inevitable that a work which is broadcast or stored on a sound or picture carrier for commercial purposes will be copied onto a sound or picture carrier for personal use, the copyright owner is entitled to appropriate compensation (blank tape levy) if carrier material is offered for sale on the domestic market; carrier material includes blank sound or picture carriers which are suitable for such reproduction and other sound or picture carriers produced specifically for that purpose". Whereas CD-Rs and CD-RWs have been subject to the blank tape levy since 1 March 1998, five collecting societies only recently (with effect from 1 November 1999) announced a "common levy for the recording, for personal use, of compressed music files (MP3, etc.) onto integrated and/or interchangeable carriers (e.g. Multimedia Card, Smart Card, Compact Flash Card), which are typically used for this purpose on portable equipment (e.g. RIO, Yepp, MPaxx, MPMan)".

Insofar as neither an overall agreement nor a set of rules is in force, the levy owed to authors, performing artists and sound carrier manufacturers (or those who have acquired the respective copyright) amounts to ATS 150 (plus sales tax) per hour of music.

The levy is to be paid by whoever, for commercial reasons, brings first onto the domestic market a carrier of the sort mentioned above (in these cases liability is shared by suppliers and retailers). It is payable when the item is brought onto the market. The collecting society AUSTRO-MECHANA Gesellschaft zur Wahrnehmung mechanisch-musikalischer Urheberrechte Gesellschaft m.b.H. is responsible for collecting the levy on behalf of the other collecting societies involved.

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Tarif für die Vervielfältigung komprimierter Musikdateien (MP3), Amtsblatt zur Wiener Zeitung, 20 October 1999 (no. 51177).

Levy for reproduction of compressed music files (MP3), Amtsblatt zur Wiener Zeitung, 20 October 1999 (no. 51177).

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