[FR] Private Copy Commission Sets Scales of Rates for Digital Supports

IRIS 2001-2:1/33

Amélie Blocman
Légipresse

Under Article L 311-1 of the Code de la propriété intellectuelle (French Intellectual Property Code - CPI), introduced by the Act of 3 July 1985, the authors and performers of works fixed on phonograms and videograms are entitled to receive remuneration if their works are reproduced for private use. The Private Copy Commission, instituted by Article L 311-5 of the CPI, is responsible for determining the level of this remuneration and how it is to be paid, according to the type of support and the duration of the recording on it. The amount is normally paid by the manufacturers or importers of recording supports which may be used for the private copying of phonograms and videograms (thereby excluding other types of copy, such as texts or software, for example) when they are put into circulation in France, to collecting bodies representing all the companies that receive and redistribute sound and audiovisual fees. The amounts gathered in this way are distributed among the beneficiaries in proportions laid down by law (author 50%, performer 25% and producer 25%), after 25% has been deducted in order to finance action to assist creative work. In addition to its chairman, the Commission comprises twenty-four members, equally divided between representatives of beneficiaries on the one hand and representatives of consumer organisations and manufacturers on the other. It met last March, fourteen years after reaching its one and only decision. It had become necessary to adapt the method of remuneration to the new possibilities for private copying opened up by digital processes. On 4 January, after nine months of discussion, the Commission set the remuneration rates for mobile recording supports. The basic hourly rates fixed in 1986 for analogue audio and video supports are now 25% higher (FRF 1.87 per hour for audio and FRF 2.81 per hour for video). Moreover, and most important of all, remuneration has been extended to blank mobile digital supports (minidisc, audio CDR and RW, video DVDR and RW, etc), at the rate of FRF 3 per hour for audio supports and FRF 8.25 per hour for video supports. The Commission has not yet fixed the remuneration for supports forming an integral part of recording equipment, except for MP3-format mobile personal player/recorders ("Rio" type - FRF 2.20 per 32 Mo = 44 minutes). Backtracking on her own recent statements, the Minister for Culture nevertheless stated in Parliament on 16 January that "the Government did not envisage levying a tax on those computers which were not used exclusively for copying".

© European Audiovisual Observatory (Council of Europe) 2026

Décision n° 1 du 4 janvier 2001 de la commission prévue à l'article L. 311-5 du Code de la propriété intellectuelle relative à la rémunération pour copie privée, Journal officiel du 7 janvier 2001

Decision no. 1 of 4 January 2001 of the Commission as provided for in Article L 311-5 of the French Intellectual Property Code on remuneration in respect of private copying, Journal officiel (official gazette) of 7 January 2001

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026