[DE] Copyright Taxes for Data Carriers

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In a press release dated 9 January 2003, the Gesellschaft für musikalische Aufführungs- und mechanische Verwertungsrechte (Musical Performance and Mechanical Exploitation Rights Company - GEMA) announced that the collecting societies that form the Zentralstelle für Überspielrechte (Central Office for Reproduction RightsZPÜ) had reached an agreement with the Informationskreis AufnahmeMedien (Recording Media Information Institute of European Media Law (EMR), Saarbrücken / Brussels Unit - IM) concerning copyright taxes for DVDs. The agreement covers blank DVD-R/RW, DVD+R/RW and DVD-RAM disks and stipulates that, with effect from 1 January 2003, manufacturers should pay a tax of EUR 0.174 on the sale of each of these data carriers that has a memory capacity of 4.7 Gigabytes (the equivalent of 120 minutes of video recording capacity). An agreement dating back to 2000 between the collecting societies and data carrier manufacturers concerning the tax on blank CDs has also been extended. According to that agreement, manufacturers are obliged to publish data concerning the total number of blank CD-Rs and CD-RWs sold in Germany and, for 30% of that number, to pay a tax of EUR 0.072 for every hour of playing time on disks sold after 1 January 2003.

These agreements are based firstly on Article 53 of the German Gesetz über Urheberrecht und verwandte Schutzrechte (Act on Copyright and Related Rights - UrhG), which states that users may make copies of protected works for private use, and secondly on Articles 54 ff. of the UrhG which, for certain types of reproduction, provide for remuneration to be paid to the author by manufacturers or dealers of reproduction media and appliances (eg data carriers, copying devices). According to these provisions, a table of charges set out in the Annex to Article 54 (d) 1 of the UrhG should be used to ensure that rightsholders receive equitable remuneration for private copying.

However, these across-the-board copyright taxes have been repeatedly criticised by electronics companies, who claim that they reduce their profit margins and restrict innovation. Consequently, in mid-January 2003, a number of leading electronics firms wrote to the President of the European Commission, calling for copyright taxes to be abolished throughout Europe.

Pressemitteilung der GEMA vom 9. Januar 2003

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http://www.gema.de/kommunikation/pressemitteilungen/pm20030109_02.shtml

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