[ES] State Budget Will Remunerate Rightsholders for Acts of private Copying

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On 7 December 2012, the Spanish government adopted Royal Decree 1657/2012 which regulates the procedure of compensating rightsholders for acts of private copying. This is a follow-up to the derogation by Royal Decree Law 20/2011 of the so-called canon digital (private copying levy) and the introduction of a new system whereby fair compensation for acts of private copying is paid to rightsholders from the state budget. This new system of compensation is the result of the government's intention to introduce changes to copyright legislation in order to achieve full conformity with the regulatory framework and jurisprudence of the European Union after the decision of the CJEU in the Padawan case (see IRIS 2012-8/19, IRIS 2011-5/20, IRIS 2011-4/23 and IRIS 2010-10/7).

The amount of compensation owed to rightsholders by acts of private copying shall be calculated on the basis of the harm actually caused to rightsholders as a result of reproduction by individuals, in any format, from works already published and made from a legal source. The calculation will be based on a set of objective criteria, among others, an estimate of the number of copies made by individuals and the impact of private copying on sales. The total amount will be decided each year by the Minister of Education, Culture and Sport after a calculation procedure in which relevant collecting societies are auditioned. These societies will receive the compensation and will be in charge of distributing it to rightsholders.

Real Decreto 1657/2012, de 7 de diciembre, por el que se regula el procedimiento de pago de la compensación equitativa por copia privada con cargo a los Presupuestos Generales del Estado

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Royal Decree 1657/2012 of 7 December 2012, regulating the procedure for payment of fair compensation for private copying from the state budget

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