[PT] Fees for private copying approved after President’s veto

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The Law Decree no. 320/XII extending the private copying fees to a range of electronic equipment was approved on 8 May 2015 with 120 votes in favour from the bipartisan coalition (PSD and CDS). After the President's veto in March 2014, the law proposal returned to the Assembly of the Republic to be appreciated for the second time and its approval forces the promulgation. Bearing in mind legal requirements and since the President has eight days for this procedure, the law will most likely come into force after 20 June 2015. The law was prepared and voted on in the Assembly of the Republic, although it originated in a governmental proposal. It alters the Copyright Code with the aim of broadening the provisions on private copying compensation fees.

In practice, this law establishes that fees will be applicable to all equipment with the capacity to store and replicate music, videos or software, such as mobile phones, printers or USB devices. They will be variable according not only to the type, but also to the storage capacity of gadgets and electronic equipment, based on a triple maximum of EUR 7.50, 15 and 20. These values shall be reviewed every two years.

The President’s veto to the law proposal presented by the Government was based on the necessity of “achieving the adequate balance between all interests”. In the text justifying this action, President Cavaco Silva also considered that the proposal was risky for the national economy and that further legislation was needed, “more in tune with technological changes and more adequate in the protection of the rights of authors and consumers”.

The application of this type of fees results from the Directive on Information Society, which authorises Member States to provide for an exception to the reproduction right in respect of reproductions made by natural persons for private use on condition that rightholders receive a fair compensation. It is therefore in the exceptions package that compensation fees which are applied to the purchase price of equipment with capacity to reproduce and replicate work protected by copyright fit

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Decreto de Lei n.º 320/XII - Segunda alteração à Lei n.º 62/98, de 1 de setembro, que regula o disposto no artigo 82.º do Código do Direito de Autor e dos Direitos Conexos, sobre a compensação equitativa relativa à cópia privada, [DAR II série A Nº.89/XII/4 2015.03.05 (pág. 28-40)]

http://www.parlamento.pt/Paginas/DetalheUltimosTextosAprovados.aspx?BID=18467

Law Decree no. 320/XII, DAR II série A Nº.89/XII/4 2015.03.05 (p. 28-40)

Texto do veto do Presidente da República, 31 de março de 2015

http://www.presidencia.pt/?idc=10&idi=91397

Text of the President's veto to Law Decree no. 320/XII, 31 March 2015

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