[DE] New law for collecting societies

IRIS 2016-6:1/10

Gianna Iacino
Legal expert

On 24 May 2016 the Verwertungsgesellschaftengesetz (Collecting Societies Act - VGG) was adopted. This act transposes Directive 2014/26/EU on collective management of copyright and related rights (see IRIS 2014-4/4) and replaces the previous Urheberrechtswahrnehmungsgesetz (Copyright Administration Act). The purpose of the new Act is to simplify the fixing of tariff rates, the EU-wide grant of usage rights and the participation in general meetings of members. The Bundestag commented in a resolution on the judgment of the Bundesgerichtshof (Federal Court of Justice - BGH) of 21 April 2016 concerning the distribution to publishers of royalties collected by the collecting society VG Wort. The Bundestag declared such distribution unlawful and stated that publishers and authors should continue to have their rights managed in joint collecting societies.

The previous obligation, to conduct negotiations on an inclusive contract for fixing tariff rates for copies of copyright protected works on computers and external hard drives, has been abolished. Instead, independent arbitration procedures aimed at reaching agreements on the level of remuneration for the uses required are to be carried out between the industry and collecting societies. The government draft of the Act contains an obligation for the industry to set up a security fund for copyright levies. This was amended by the Bundestag and is now only to be applied when no adequate part-payments have been made and rightsholders have a considerable need for security.

The EU-wide granting of usage rights is to be simplified by means of joint licensing and processing hubs, which are to be given the possibility of licensing rights in music items for online offerings. The German collecting society GEMA, the UK's PRS for Music and Sweden's STM established such a licensing hub in the summer of 2015.

Additionally, participation in general meetings of members of collecting societies is to be simplified for rightsholders, by enabling those entitled to receive royalty payments to participate electronically.

Gesetz zur Umsetzung der Richtlinie 2014/26/EU über die kollektive Wahrnehmung von Urheber- undverwandten Schutzrechten und die Vergabe von Mehrgebietslizenzen für Rechte an Musikwerken für die Online-Nutzung im Binnenmarkt sowie zur Änderung des Verfahrens

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betreffend die Geräte- und Speichermedienvergütung (VG-Richtlinie-Umsetzungsgesetz), 24. Mai 2016

http://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&bk=Bundesanzeiger_BGBl&start=//*%255B@attr_id=%2527bgbl116s1190.pdf%2527%255D#__bgbl__%2F%2F*[%40attr_id%3D%27bgbl116s1190.pdf%27]__1465308123675

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