

Already existing copyright levies in Germany – legal and officially published tariffs (in terms of the Copyright Law as last amended in 2003) (status 1/2/2008)



**(ZPÜ, VG Wort, VG Bild-Kunst)**

**AUDIO AND VIDEO RECORDER**

Analogue equipment:

■ Audio: Cassette recorder	1,28 €
■ Video: VHS recoder	9,21 €

Analogue media:

■ Audio: Audio tape	0,0614 €/hour
■ Video: Video tape (180 mins.)	0,087 €/hour

Digital equipment:

■ CD recorder (hi-fi unit)	1,28 €
■ CD-burner (PC)	7,50 €
■ DVD-burner (PC)	9,21 €
■ DVD recorder	9,21 €
■ HDD-recorder/SAT-Receiver with hard disk	18,42 €
■ MP3 Player with recording function	
- exchangeable memory	1,28 €
- built-in memory	2,56 €

Digital media:

■ MD	0,0614 €/hour
■ CD-R/RW (on 30% of all CDs sold)	0,072 €/hour
■ DVD-R/RW, DVD+R/RW, DVD-RAM (capacity 4,7 GB resp. 120 mins.)	0,087 €/hour resp. 0,174 €/unit

**(VG Wort, VG Bild-Kunst)**

**REPROGRAPHY DEVICES**

Copiers

■ Black and white 1-12 pages/minute	38,35 €
■ Coloured 1-12 pages/minute	76,70 €
■ Black and white 13-35 pages/minute	51,13 €
■ Coloured 13-35 pages/minute	102,26 €
■ Black and white 36-70 pages/minute	76,70 €
■ Coloured 36-70 pages/minute	153,40 €
■ Black and white, more than 70 pages/minute	306,78 €
■ Coloured, more than 70 pages/minute	613,56 €

Faxes

10,23 €

Scanners

■ 1-12 pages/minute	10,23 €
■ 13-35 pages/minute	31,96 €
■ 36-70 pages/minute	47,93 €
■ more than 70 pages/minute	255,65 €

Within collective agreements between BITKOM and the collecting societies levy rates for copiers, faxes, scanners, CD- and DVD-burners, MP3 players, DVD recorders and HDD recorders are slightly lower than the officially published tariffs.

THE COLLECTIVE AGREEMENTS FOR CD-/DVD-BURNER AND FOR AUDIO AND VIDEO RECORDER HAVE BEEN TERMINATED AS OF 31/12/2007. NEGOTIATIONS BASED ON THE NEW LAW HAVE BEEN ALREADY STARTED.

# Disputed Levies

– based on the Copyright Law as last amended in 2003 –  
(status 1/2/2008)



## Multifunctional Devices:

(devices with PC interface that combine at least two of the following functions: copy, print, fax, scan)

0-12 pages/minute	38.35 €
13-35 pages/minute	51.13 €
36-70 pages/minute	76.70 €
> 70 pages/minute	306.78 €

Double tariffs for coloured devices!

- VG-Wort claims same tariff as the one for copiers
- since 05/2001 legal action against HP at the arbitration board (period in dispute: 1997-2001)
- 11/2003 settlement proposal of the arbitration board: The tariff for copiers is applicable on MFDs
- 22/12/2004 LG Stuttgart: The court allows the claim of 5% of the copier levy. It has not been decided that the full copier levy is applicable. The final amount of the levy is still unsettled. → VG Wort appealed against the decision
- 06/07/2005 OLG Stuttgart: It is asserted that the copier levy can be applied for MFDs → HP appealed against the decision
- 30/01/2008: BGH affirms the judgement of the OLG Stuttgart
- For the period in dispute from 2002 to 2007 judgement of several litigations (Lexmark, Epson, Canon, Panasonic and HP) will be expected in the second term of 2008.

## Mobile phones with MP3-Function:

with exchangeable memory	1.28 €
with integrated memory	2.56 €
without recording function	0.0614 €/64 MB

- ZPÜ claim: Tariffs for audio recorders and storage medium by law
- 2002-2004: Negotiations about reduction of payment failed
- 03/2007: New negotiations between BITKOM and ZPÜ → negotiations failed
- 10/2007: ZPÜ takes legal action against 13 manufacturers and distributors at arbitration board

## MP3 Players

with exchangeable memory	1.28 €
with integrated memory	2.56 €
without recording function	0.0614 €/64 MB

- in 2004 BITKOM and ZPÜ concluded a collective agreement for MP3-players
- 09/2007 agreement at the arbitration board between ZPÜ and (at that time) non-BITKOM-member: MP3 player without a line-in-function is not a device, but storage media
- BITKOM does not share this legal opinion

## PCs

claim by VG Wort	30.00 €
claim by ZPÜ	18.42 €

### VG Wort

- 01/2001 tariff published by VG Wort
- since 03/2001 legal action against Fujitsu Siemens Computers at the arbitration board
- 02/2003 settlement proposal of the arbitration court: € 12.00 → proceeding continued at LG Munich
- 23/12/2004: LG Munich agrees with the levy of € 12.00 → Fujitsu Siemens Computers appealed against the decision
- 15/12/2005: OLG Munich affirms levy of € 12.00 → revision to the BGH, judgement is expected for the end of 2008

### ZPÜ

- 07/03/2005 ZPÜ claims a levy retroactively back to 01/01/2002 → Claim is not accepted
- 12/2005 ZPÜ sued 22 PC manufacturers at the arbitration board to pay € 18.42 per PC since 2002
- 31/07/2007 arbitration board proposes € 15.00 → collecting society and PC manufacturers objected the proposal
- Proceedings will continue at OLG Munich in beginning of 2008

## Printers

0-12 pages/minute	10.00 €
13-35 pages/minute	25.00 €
36-70 pages/minute	40.00 €
>70 pages/minute	150.00 €

Double tariffs for coloured devices!

- 04/2001 tariff published by VG Wort
- since 07/2002 legal action against HP at the arbitration board
- 04/2004 settlement proposal of the arbitration board: 0-12 pages/min - € 4.00 / 13-35 pages/min - € 7.00 / 36-70 pages/min - € 12.00 / >70 pages/min - € 35.00 → proceedings continued at LG Stuttgart
- 22/12/2004 LG Stuttgart: Court decides that printers should be levied → HP appealed against the decision
- 11/05/2005 OLG Stuttgart: Printers are leviable – appeal of HP has been denied → revision at the BGH
- 23/01/2007: OLG Düsseldorf refused levies on printers in the litigation VG Wort/Epson, Xerox, KyoceraMita; revision at BGH
- 13/11/2007: OLG Düsseldorf refused levies on printers in the litigation VG Wort/Canon
- 06/12/2007: BGH refused levies on printers in the test case VG Wort/HP → VG Wort filed a constitutional complaint.