

## **Standing Committee on Copyright and Related Rights**

**Forty-Fifth Session**  
**Geneva, April 15 to 19, 2024**

**ANNEX: REPORTS OF COUNTRIES OPERATING AN ACTIVE PLR SYSTEM**

*prepared by Sabine Richly, MBA, LL.M.*

**ANNEX TO SCOPING STUDY ON PUBLIC LENDING RIGHT  
REPORTS OF COUNTRIES OPERATING AN ACTIVE PLR SYSTEM**

1	Country Report AUSTRALIA .....	3
2	Country Report AUSTRIA .....	14
3	Country Report BELGIUM .....	18
4	Country Report CANADA .....	38
5	Country Report CROATIA .....	40
6	Country Report CYPRUS .....	43
7	Country Report CZECH REPUBLIC .....	47
8	Country Report DENMARK .....	51
9	Country Report ESTONIA .....	55
10	Country Report FINLAND .....	60
11	Country Report FRANCE .....	63
12	Country Report GEORGIA .....	68
13	Country Report GERMANY .....	71
14	Country Report GREECE .....	77
15	Country Report GREENLAND .....	79
16	Country Report HUNGARY .....	80
17	Country Report ICELAND .....	83
18	Country Report IRELAND .....	87
19	Country Report ISRAEL .....	98
20	Country Report ITALY .....	99
21	Country Report LATVIA .....	112
22	Country Report LIECHTENSTEIN .....	115
23	Country Report LITHUANIA .....	117
24	Country Report LUXEMBOURG .....	121
25	Country Report NETHERLANDS .....	125
26	Country Report NEW ZEALAND .....	130
27	Country Report NORWAY .....	138
28	Country Report POLAND .....	141
29	Country Report SLOVAK REPUBLIC .....	157
30	Country Report SLOVENIA .....	165
31	Country Report SPAIN .....	179
32	Country Report SWEDEN .....	192
33	Country Report UNITED KINGDOM .....	200

## 1 COUNTRY REPORT AUSTRALIA

### 2 ADDITIONAL SYSTEM INFORMATION

- The system exists since 1974. The Public Lending Right Act 1985<sup>1</sup> provides that the Minister may “approve or modify a scheme for and in relation to the making of payments to persons in respect of books”. The Public Lending Right Scheme 2016 provides the basis for the administration of the scheme.
- Public Lending Right (PLR) and Educational Lending Right (ELR) are administered by the Australian Government with the aim to compensate Australian creators and publishers in recognition of income lost through free multiple use of their books in public and educational lending libraries. The Public Lending Right Committee represents Australian authors, publishers and libraries in relation to the lending right programs, also responsible for managing the lending right schemes. The Public Lending Right Committee is part of the governance arrangements for the Public Lending Right scheme and has an advisory role for the Educational Lending Right scheme.
- With the lawmaker’s intention to contribute to the enrichment of Australian culture by encouraging the growth and development of Australian writing the system is restricted to Australian Citizens wherever they reside as well as non-citizens who are resident in Australia.<sup>2</sup>
- Under the Public Lending Right Act 1985 a committee representing Australian authors, publishers and libraries is appointed by the Minister for the Arts. The Public Lending Right Committee represents Australian authors, publishers and libraries in relation to the lending right programs, also responsible for managing the lending right schemes. The Public Lending Right Committee is part of the governance arrangements for the Public Lending Right scheme and has an advisory role for the Educational Lending Right scheme; day-to-day operation is undertaken by staff in the Creative Industries Branch in the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department), under delegation from the Committee.<sup>3</sup>
- Funds may be claimed by creators or publishers. They must register and submit title claims within five years from the year of publication. Books are surveyed in a sample of either public lending libraries (PLR) or school, Technical and Further Education (TAFE) and university libraries (ELR).<sup>4</sup>
- PLR payments depend on the number of copies of their books estimated to be held in public lending libraries in Australia. An annual survey of the books held in a sample of public lending libraries is used as basis, eligible recipients need a survey result of 50 or more copies of an eligible book held in public libraries. Books are surveyed annually for two consecutive financial years following the year of publication. If, following the second year, a book is still held in sufficient numbers in public lending libraries, it will be re-surveyed every three years. Books scoring less than 50 copies in the second or for two subsequent surveys are removed from the survey cycle.<sup>5</sup>
- Eligible creators are only those who receive on-going royalties from the sale of their book. Eligible creators (maximum of five per book) may include authors, editors, illustrators, translators or compilers.

---

<sup>1</sup> Public Lending Right Act 1985, <https://www.legislation.gov.au/Details/C2017C00100> and Public Lending Right Scheme 2016 <https://www.legislation.gov.au/Details/F2016L01549>

<sup>2</sup> <https://plrinternational.com/established>

<sup>3</sup> [https://www.arts.gov.au/sites/default/files/documents/infra5981-plrc-ar-2022-23\\_acc.pdf](https://www.arts.gov.au/sites/default/files/documents/infra5981-plrc-ar-2022-23_acc.pdf); p. 2.

<sup>4</sup> [https://www.arts.gov.au/sites/default/files/documents/infra5981-plrc-ar-2022-23\\_acc.pdf](https://www.arts.gov.au/sites/default/files/documents/infra5981-plrc-ar-2022-23_acc.pdf); p. 2.

<sup>5</sup> [https://www.arts.gov.au/sites/default/files/documents/infra5981-plrc-ar-2022-23\\_acc.pdf](https://www.arts.gov.au/sites/default/files/documents/infra5981-plrc-ar-2022-23_acc.pdf) p. 4.

- Eligible publishers are: companies whose business consists wholly or substantially of the publication of books and who regularly publish in Australia—'regularly publish' is defined as at least once in the preceding three-year period; non-profit organisations that publish to further their aims or objectives; self-publishing creators; Payments are only made to eligible publishers if an eligible creator is receiving a payment.
- Administrative/operational costs incurred in the annual operation of the PLR scheme included: advertising and promotion, Committee expenses, IT costs, payments to libraries and library system vendors for technical costs associated with participation in the annual survey; statistical advice on the annual survey, and production and distribution of payment advice letters. Other operational costs, including salaries of departmental officers, were met from departmental funds<sup>6</sup>

### 3 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- E-Books and Audiobooks included in the Public Lending Right Scheme (Electronic Books and Audiobooks) by amendment of the Act in 2023.<sup>7</sup>
- 2022–23 financial year (36th annual report of the Public Lending Right Committee): The distribution of \$10,550,906 in PLR payments to 6,724 individual eligible Australian creators and publishers. Last payments were made in June 2023.<sup>8</sup>

### 4 BEST PRACTICES IN THE COUNTRY

- Transparent system of sampling covering a substantial part of the library stock:  
  
"In 2022–23, 27 Australian public library networks were selected to participate in the PLR survey, representing a total book stock of over 12.4 million. The networks included catalogues of public libraries administered by four state governments, many large regional library networks, and a small number of individual libraries. These represent 44 per cent of the total book stock of Australian public libraries."<sup>9</sup>
- A very detailed annual report made available annually by the PLR committee.
- An accessible appeal system for decisions made by the PLR Committee.

### 5 MAIN RESOURCES FOR FURTHER RESEARCH

<https://www.arts.gov.au/funding-and-support/australian-lending-right-schemes-elrplr>  
<https://www.arts.gov.au/public-lending-right-committee>  
[https://www.alrc.gov.au/wp-content/uploads/2019/08/12.libraries\\_and\\_archives.pdf](https://www.alrc.gov.au/wp-content/uploads/2019/08/12.libraries_and_archives.pdf)

### 6 LEGAL BASIS

Public Lending Right Act (1985)<sup>10</sup>

An Act to provide for payments in respect of Australian books held in Australian libraries 1 Short title
This Act may be cited as the Public Lending Right Act 1985.
2 Commencement
This Act shall come into operation on a day to be fixed by Proclamation.
2A Objects of Act

<sup>6</sup> [https://www.arts.gov.au/sites/default/files/documents/infra5981-plrc-ar-2022-23\\_acc.pdf](https://www.arts.gov.au/sites/default/files/documents/infra5981-plrc-ar-2022-23_acc.pdf) p. 4.

<sup>7</sup> <https://www.legislation.gov.au/Details/F2023L00204>

<sup>8</sup> [https://www.arts.gov.au/sites/default/files/documents/infra5981-plrc-ar-2022-23\\_acc.pdf](https://www.arts.gov.au/sites/default/files/documents/infra5981-plrc-ar-2022-23_acc.pdf)

<sup>9</sup> [https://www.arts.gov.au/sites/default/files/documents/infra5981-plrc-ar-2022-23\\_acc.pdf](https://www.arts.gov.au/sites/default/files/documents/infra5981-plrc-ar-2022-23_acc.pdf) p. 4.

<sup>10</sup> <https://www.legislation.gov.au/C2004A03239/latest/text>

The objects of this Act are:

- (a) to make payments to Australian creators of books, and to publishers of books in Australia, in recognition of their loss of income from their books being available for loan from, or for use in, public lending libraries in Australia; and
- (b) to support the enrichment of Australian culture by encouraging Australian persons to create books and by encouraging publishers to publish books in Australia.

### 3 Interpretation

(1) In this Act, unless the contrary intention appears:

- Australia includes the external Territories.
- Chairperson means the Chairperson of the Committee.
- Claim means a claim for a payment under the scheme.
- Claimant means a person who makes a claim.
- Committee means the Public Lending Right Committee established by section 7.
- Member means a member of the Committee and includes the Chairperson.
- Previous scheme means the Public Lending Right Scheme administered by the Department as in force immediately before the commencement of this Act.
- Scheme means the scheme approved under section 5, or, if that scheme has been modified under that section, that scheme as so modified.

(2) A reference in this Act to an Australian author or an Australian person is a reference to an author or a person, as the case may be, who:

- (a) is an Australian citizen, wherever resident; or
- (b) is ordinarily resident in Australia.

(3) Where a book has been written by an Australian author or Australian authors and by another person or other persons, this Act applies as if the book had been written by the Australian author or Australian authors.

(4) A reference in this Act to modifying the scheme includes a reference to omitting or adding a provision, or substituting a provision for another provision.

(5) A person who, by virtue of a determination under the previous scheme, was eligible to receive payments under that scheme in respect of a book shall be taken, for the purposes of this Act and the scheme, to be a claimant in respect of that book unless, by virtue of a determination under the previous scheme, the person was not eligible to continue to receive payments under that scheme in respect of that book.

### 4 Extension to external Territories

This Act extends to every external Territory.

### 5 Public Lending Right Scheme

(1) The Minister may, by notice published in the Gazette:

- (a) approve a scheme for and in relation to the making of payments to persons in respect of books; and
- (b) modify the scheme so approved.

(2) The Minister shall not approve a scheme under paragraph (1)(a) if it provides:

- (a) for the making of payments in respect of books other than books that are held in libraries in Australia; or
- (b) for the making of payments in respect of books to persons who are not prescribed persons in relation to those books.

(3) The Minister shall not modify the scheme under paragraph (1)(b) if subsection (2) would have prohibited the Minister from approving the scheme, as so modified, under paragraph (1)(a).

(4) In this section, prescribed person, in relation to a book, means any of the following:

- (a) an Australian author of the book;
- (c) an Australian person who illustrated, translated, compiled or edited the book;
- (e) a publisher of the book who is included in a class of publishers specified in the scheme.

#### 6 Payments under scheme

(1) The Committee shall, in accordance with the scheme, determine the eligibility of a claimant and the amount of the payment (if any) to be made to the claimant.

(2) A payment under the scheme to a claimant shall not be made except in accordance with a determination of the Committee.

(3) The Committee may, for the purpose of the performance of its functions under this Act or the scheme, require a claimant:

- (a) to furnish to the Committee such information, or to make available to the Committee such documents, as the Committee specifies in writing; and
- (b) to verify, by statutory declaration, any information or documents furnished or made available to the Committee.

(4) The Committee may refuse to consider a claim unless the claimant complies with any requirement made by the Committee under subsection (3).

#### 7 Public Lending Right Committee

For the purposes of this Act, there shall be a Public Lending Right Committee.

#### 8 Functions of Committee

(1) The functions of the Committee are:

- (a) to determine the eligibility of a claimant and the amount of the payment (if any) to be made to the claimant;
- (b) to approve payments under the scheme;
- (c) to furnish advice to the Minister, either of its own motion or upon request made to it by the Minister, in respect of matters relating to the operation of this Act or of the scheme;
- (d) to make recommendations to the Minister with respect to:
  - (i) the modification of the scheme, including modification of the payments, or rates of payments, under the scheme; and
  - (ii) other matters relating to the operation of the scheme or this Act; and
- (e) such other functions as the Minister determines in writing.

(2) For the purpose of carrying out its functions, the Committee may consult or cooperate with any person or body, including a body established by a State, by the Australian Capital Territory or the Northern Territory or by a local government body, that may be able to provide assistance to the Committee.

#### 9 Membership of Committee

(1) The Committee shall consist of:

- (a) a Chairperson;
- (b) 2 members to represent Australian authors;
- (c) a member to represent publishers of books written by Australian authors;
- (d) a member to represent libraries in which books written by Australian authors are held;
- (e) a member, being an officer of the Department administered by the Minister administering the Copyright Act 1968, nominated by that Minister; and

(f) a member, being an officer of the National Library of Australia, nominated by the Director General of the National Library.

(2) A member of the Committee:

- (a) shall be appointed by the Minister;
- (b) shall be appointed on a part time basis; and
- (c) subject to subsection (5), holds office for such period, not exceeding 4 years, as is specified in the instrument of the member's appointment, but is eligible for re appointment.

(3) Subject to subsection (5), a person shall not hold office under subsection (2) for a continuous period of more than 8 years.

(4) A person who has held office under subsection (2) for a continuous period of 8 years is not eligible for re appointment for a term of office commencing within 12 months after the expiration of that period.

(5) A member referred to in paragraph (1)(e) or (f) holds office until the Minister terminates that member's appointment in accordance with subsection (6).

(6) The Minister shall terminate the appointment of a member referred to in paragraph (1)(e) or (f) if, and only if, the Minister administering the Copyright Act 1968 or the Director General of the National Library, as the case may be, requests the termination of the appointment.

(8) The performance of the Committee's functions and the exercise of its powers are not affected merely because of vacancies in the Committee's membership.

#### 10 Remuneration and allowances

(1) A member (other than a member referred to in paragraph 9(1)(e) or (f)) shall be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination of that remuneration by the Tribunal is in operation, the member shall be paid such remuneration as is prescribed.

(2) A member shall be paid such allowances as are prescribed.

(3) This section has effect subject to the Remuneration Tribunal Act 1973.

#### 11 Resignation

A member may resign from the office of member by writing signed by the member and delivered to the Minister.

#### 12 Termination of office

(1) The Minister may terminate the appointment of a member for misbehaviour or physical or mental incapacity.

(2) If a member is absent, except with the leave of the Minister, from 3 consecutive meetings of the Committee, the Minister may terminate the member's appointment.

(3) In this section, member does not include a member referred to in paragraph 9(1)(e) or (f).

#### 13 Acting Chairperson

The Minister may appoint a person to act as Chairperson:

- (a) during a vacancy in the office of Chairperson, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Chairperson is absent from duty or from Australia or is, for any reason, unable to perform the duties of the office of Chairperson.

Note: For rules that apply to acting appointments, see section 33A of the Acts Interpretation Act 1901.

#### 14 Acting members

- (1) The Minister may appoint a person to act as a member:
- (a) during a vacancy in the office of a member, whether or not an appointment has previously been made to the office; or
  - (b) during any period, or during all periods, when a member is absent from duty or from Australia or is, for any reason, unable to perform the duties of the office of member.

Note: For rules that apply to acting appointments, see section 33A of the Acts Interpretation Act 1901.

- (8) In this section, member does not include the Chairperson.

#### 15 Disclosure of interests

(1) A member who has a direct or indirect pecuniary interest in a matter being considered by the Committee shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Committee.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Committee and the member shall not, unless the Minister or the Committee otherwise determines:

- (a) be present during any deliberation of the Committee with respect to that matter; or
- (b) take any part in any decision of the Committee with respect to that matter.

(3) For the purposes of the making of a determination by the Committee under subsection (2) in relation to a member who has made a disclosure under subsection (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not:

- (a) be present during any deliberation of the Committee for the purposes of making the determination; or
- (b) take part in the making by the Committee of the determination.

#### 16 Meetings

(1) The Committee shall hold such meetings as are necessary for the performance of its functions.

(2) The Chairperson:

- (a) may, at any time, convene a meeting of the Committee; and
- (b) shall, on receipt of a written request signed by not less than 3 members, convene a meeting of the Committee.

(3) The Minister may, at any time, convene a meeting of the Committee.

(4) The Chairperson shall preside at all meetings of the Committee at which the Chairperson is present.

(5) Where the Chairperson is not present at a meeting of the Committee, the members present shall appoint one of their number to preside at the meeting.



(6) At a meeting of the Committee, 4 members constitute a quorum.

(7) Questions arising at a meeting of the Committee shall be determined by a majority of the votes of the members present and voting.

(8) The person presiding at a meeting of the Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(9) In this section:

Chairperson includes a person acting as Chairperson.

Member includes an acting member.

#### 16A Conduct of meetings

(1) If the Committee so determines, a member may participate in, and form part of a quorum at, a meeting of the Committee by means of any of the following methods of communication:

- (a) telephone;
- (b) closed circuit television;
- (c) another method of communication determined by the Committee.

(2) A determination may be made in respect of a particular meeting, or in respect of all meetings of the Committee.

(3) A member who participates in a meeting as provided by subsection (1) is taken to be present at the meeting.

#### 16B Resolutions without meetings

Where the Committee so determines, a resolution is taken to have been passed at a meeting of the Committee if:

- (a) without meeting, a majority of the number of members indicate agreement with the resolution in accordance with the method determined by the Committee; and
- (b) that majority would, if present at a meeting of the Committee and entitled to vote on the resolution at that meeting, have constituted a quorum.

#### 17 Delegation

(1) The Committee may, by resolution, either generally or as otherwise provided by the resolution, delegate to a member, an acting member or a member of the staff assisting the Committee, all or any of its powers under this Act or under the scheme, other than this power of delegation.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act and of the scheme, be deemed to have been exercised by the Committee.

(3) A delegation of a power under this section:

- (a) may be revoked by a resolution of the Committee (whether or not constituted by the persons constituting the Committee at the time the power was delegated);
- (b) does not prevent the exercise of the power by the Committee; and
- (c) continues in force notwithstanding a change in the membership of the Committee.

(4) A delegation under this section, or the revocation of such a delegation, shall be notified to the Minister by the Chairperson.

(5) Section 34A of the Acts Interpretation Act 1901 applies in relation to a delegation of power under this section as if the Committee were a person and so applies in relation to a delegation of a power of the Committee under the scheme as if the reference in section 34A of that Act to any Act were a reference to the scheme.

(6) A certificate signed by the Chairperson or a person acting as Chairperson stating any matter with respect to a delegation of a power under this section is prima facie evidence of that matter.

(7) A document purporting to be a certificate mentioned in subsection (6) shall, unless the contrary is established, be deemed to be such a certificate and to have been duly given.

#### 18 Staff

The staff necessary to assist the Committee shall be persons engaged under the Public Service Act 1999.

#### 19 Annual report

(1) The Committee shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report of the operation of the scheme and of this Act, with particular reference to their operation during the year that ended on that 30 June.

(2) A report under subsection (1) may include:

- (a) information or comments concerning the effect of the scheme; and
- (b) recommendations relating to any matters concerning the operation of the scheme or of this Act.

(3) The Minister shall cause a copy of a report furnished to the Minister under subsection (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

(4) The Committee shall furnish to the Minister such additional reports as the Minister from time to time requires and may from time to time furnish such other reports as the Committee thinks fit.

#### 20 Review of certain decisions of Committee

(1) In this section:

Decision has the same meaning as that expression has in the Administrative Appeals Tribunal Act 1975.

Decision of the Committee means a decision of the Committee under this Act in connection with a claim.

(2) The Committee shall, by notice in writing given to a claimant affected by a decision of the Committee, inform the claimant of the decision of the Committee.

(3) A claimant who is dissatisfied with a decision of the Committee may, by notice in writing given to the Committee within a period of 28 days after the day on which the decision first comes to the notice of the claimant, or within such further period as the Committee allows, request the Committee to reconsider the decision.

(4) There shall be set out in a request under subsection (3) the ground on which the request is made.

(5) Upon receipt of a request under subsection (3), the Committee shall reconsider its decision and may:

- (a) confirm the decision;

- (b) vary the decision; or
- (c) set the decision aside and make a new decision in substitution for the decision so set aside.

(6) Where, pursuant to a request under subsection (3), the Committee reconsiders a decision under subsection (5), the Committee shall, by notice in writing given to the claimant who made the request, inform the claimant of the result of the reconsideration.

(7) Where:

- (a) a person has made a request under subsection (3) for the reconsideration of a decision; and
- (b) at the expiration of the period of 90 days after the day on which the request was made, the person has not received notice of the result of the reconsideration of the decision; the Committee shall thereupon be deemed to have confirmed the decision under subsection (5).

(8) An application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision that has been confirmed, or is deemed to have been confirmed;
- (b) a decision as varied; or
- (c) a decision made in substitution for a decision set aside; under subsection (5).

#### 21 Statements to accompany notification of decisions

(1) A notice given to a claimant in accordance with subsection 20(2) in relation to a decision (in this subsection referred to as the original decision) shall include a statement to the effect that:

- (a) if the claimant is dissatisfied with the original decision the claimant may, in accordance with subsection 20(3), request the Committee to reconsider the original decision; and
- (b) subject to the Administrative Appeals Tribunal Act 1975, if a person whose interests are affected by the original decision is dissatisfied with:
  - (i) the decision resulting from the reconsideration; or
  - (ii) where the person has not been notified of the results of the reconsideration within the period of 90 days after the day on which the request for the reconsideration was made—the original decision;

the person may make application to the Administrative Appeals Tribunal for review of the decision resulting from the reconsideration, or the original decision, as the case may be.

(2) A notice given to a claimant under subsection 20(6) in relation to a reconsideration of a decision shall include a statement to the effect that, subject to the Administrative Appeals Tribunal Act 1975, if a person whose interests are affected by the decision resulting from the reconsideration is dissatisfied with that last mentioned decision, the person may make application to the Administrative Appeals Tribunal for review of that last mentioned decision.

(3) A failure to comply with the requirements of subsection (1) or (2) does not affect the validity of the decision.

#### 22 Offences

(2) Where a person is convicted of an offence against section 137.1 or 137.2 of the Criminal Code that relates to this Act, the court may, in addition to imposing a penalty, order the person to repay to the Commonwealth the amount of any payment under the scheme paid to the person in consequence of the making of the statement or the presentation of the document.

(3) Where a court has made an order under subsection (2), a certificate signed by the appropriate officer of the court specifying the amount ordered to be repaid and the person by whom the amount is payable may be filed in a court having civil jurisdiction to the extent

<p>of that amount and is thereupon enforceable in all respects as a final judgment of that court.</p>
<p><b>23 Recovery of overpayments</b></p> <p>Where an amount by way of a payment under the scheme has been paid to a person in consequence of the making of a statement, or the presentation of a document, by or on behalf of the person, being a statement or document that was, whether to the knowledge of the person or not, false or misleading in a material particular, an amount equal to the amount of the payment is recoverable from the person by the Commonwealth in a court of competent jurisdiction as a debt due to the Commonwealth.</p>
<p><b>24 Evidence of payment</b></p> <p>For the purposes of sections 22 and 23, a certificate purporting to be signed by the Chairperson or a person acting as Chairperson and stating that an amount by way of a payment under the scheme has been paid in consequence of the making of a statement, or the presentation of a document, is prima facie evidence of the matters stated in the certificate.</p>
<p><b>25 Payments inalienable</b></p> <p>Subject to section 26, a right (if any) to receive a payment under the scheme is inalienable, whether by way of, or in consequence of, assignment, charge or otherwise, and is not liable to be taken in execution or be dealt with under the law relating to bankruptcy.</p>
<p><b>26 Payment to personal representative</b></p> <p>Where the Committee has determined that a person is to receive a payment under the scheme and the payment has not been made at the date of the death of that person, the amount of that payment is payable to the legal personal representative of that person.</p>
<p><b>27 Regulations</b></p> <p>The Governor General may make regulations, not inconsistent with this Act, prescribing matters:</p> <p>(a) required or permitted by this Act to be prescribed; or</p> <p>(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.</p>

## 7 DISTRIBUTION RULES

Distribution depends on the estimated number of an eligible's books held in public and educational (schools, universities and TAFEs) lending libraries; the proportion of the royalties received for books; and the applicable rates for PLR payments and ELR payments. This calculation must reach a minimum of \$100 to receive a payment.

Set out in the Law, last amended by Public Lending Right Scheme (Electronic Books and Audiobooks) Modification 2023 <https://www.legislation.gov.au/Details/F2023L00204> as follows:

The creators' public lending right rate of payment is provided by the following table:

<b>Estimated number of copies of a book</b>	<b>Rate of payment</b>
50 copies or more	\$2.19 per copy

The publishers' public lending right rate of payment is provided by the following table:

<b>Estimated number of copies of a book</b>	<b>Rate of payment</b>
50 copies or more	54.75 cents per copy

## 8 COUNTRY REPORT AUSTRIA

### 9 ADDITIONAL SYSTEM INFORMATION

- The system was introduced in 1977, but provided for in the Copyright Act of 1993.<sup>11</sup> Austria has made use of Art. 6(1) of the Rental and Lending Directive and has introduced a remuneration claim without an exclusive right (§ 16a(2) Austrian Copyright Act).
- Managing collecting society is Literar Mechana.<sup>12</sup> Together with other collecting societies, the CMO concluded an agreement with the federal and provincial governments that regulates the payment of appropriate remuneration for all loans in publicly accessible institutions (regardless of who the legal entity of the institution is). On the basis of an internal agreement with the other collecting societies, Literar-Mechana collects payments for all of them.
- In Austria, the provinces also contribute funding, along with the national government. Funds are subject to negotiation with the relevant CMO and loans based according to the intention of the lawmaker. As a flat fee laid down in an agreement from 1993, they are not subject to index or valorisation and have not been raised for some years.<sup>13</sup>
- Eligible are Austrian/EU citizens and permanent residents of Austria. The system remunerates authors, translators and publishers for lending in public and scientific libraries.
- Includes image or sound recording collection, art library and the like (Section 16 (3) Austrian Copyright Act). The system also includes company libraries, church libraries, workers' chambers and trade union libraries. Libraries for visually impaired people are under an own regulative scheme under section 42d Austrian Copyright Act.
- Eligible material covers works of literature lent out as books, journals or in form of audio-visual works. Lending of physically represented electronic Audio-Books in an interpretation of section 16a Austrian Copyright Act. The libraries' legal statement cites the tax relevant Austrian model statutes for non-profit libraries<sup>14</sup>, mentioning only the "lending of books, journals and other media in physical and digital form" as a purpose. In their interpretation, items that are required for the use of media (e.g. players, e-readers and other aids) would also be included. In practice, so called "Mobi Hörsticks"<sup>15</sup> are considered permitted (Exceptions to Section 16a are the rental and lending for the purpose of broadcasting (Section 17) as well as public performance and presentation, and for works of applied art.).<sup>16</sup>
- The system does not include e-lending.
- Additional library rights concerning visual or audio media for scientific, non-commercial libraries are provided for under section 56a (1) Austrian Copyright Act) and for digitalization of out of commerce works under section 56f Austrian Copyright Act. Document delivery rights include also digital copies under section 42a Austrian Copyright Act.
- On distribution level, 26% funds are used for social and cultural purposes. The rest is distributed loans based on sample data automatically provided for by the libraries. Collections of 2022: total sum contains 467.177,40 € for text authors, 375.384,94 € distributed to Austrian members. 53.766,30 € (12%) were dedicated for cultural and social purposes.
- Distribution to foreign CMOs in 2022: 10.585,97 € to UK (ALCS), 6.055,36 € to Switzerland (Pro Litteris); 442,05 € for Sheet Music to Germany (VG Musikedition) and 168.871,95 € for Text

---

<sup>11</sup> <https://plrinternational.com/established>

<sup>12</sup> <https://literar.at/nutzer-innen/bibliothekstantieme>

<sup>13</sup> Information given in interview by Winfried Edelmann, Literar Mechana on December 18, 2023.

<sup>14</sup> [https://www.bvoe.at/sites/default/files/2022-06/musterstatuten\\_gemeinnuetzigkeit\\_end.docx](https://www.bvoe.at/sites/default/files/2022-06/musterstatuten_gemeinnuetzigkeit_end.docx)

<sup>15</sup> A digital version of the work on a USB stick connected to a paper cover resembling a physical book/ CD/DVD  
<https://www.mobi-hoerstick.de/>

<sup>16</sup> <https://www.bvoe.at/angebote/rechtliche-auskuenfte/urheberrecht>

Creators and Publishers to Germany (VG WORT). Received from Germany for Austrian Text Creators and Publishers by the German CMO VG WORT: 287.594,55 €. <sup>17</sup>

## 10 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- 2022: Bilateral Agreement with German Collecting Society VG WORT concerning Publishers' Share: Austrian general-interest publishers with publications in the fields of fiction and children's and young adult literature receive a payout from VG Wort for their printed books if it has been possible to determine lendings the course of surveys. The prerequisite for this is a one-off notification of all relevant publications in the fields of fiction and children's and young adult literature via the VLB, with which the Austrian Collecting Society Literar-Mechana has concluded a corresponding agreement.

## 11 BEST PRACTICES IN THE COUNTRY

- Very thorough and transparent annual report established by the CMO. <sup>18</sup>

## 12 RESOURCES FOR FURTHER RESEARCH

<http://www.literar.at/>

<https://literar.at/mitglieder/urheber-innen/belletristik-und-lyrik>

## 13 LEGAL PROVISION IN NATIONAL LAW

Original Wording	Machine Translation by Google Translate
<p>§ 16a Vermieten und Verleihen</p> <p>(1) § 16 Abs. 3 gilt nicht für das Vermieten (Abs. 3) von Werkstücken.</p> <p>(2) § 16 Abs. 3 gilt für das Verleihen (Abs. 3) von Werkstücken mit der Maßgabe, dass der Urheber einen Anspruch auf angemessene Vergütung hat. Solche Ansprüche können nur von Verwertungsgesellschaften geltend gemacht werden.</p> <p>(3) Im Sinn dieser Bestimmung ist unter Vermieten die zeitlich begrenzte, Erwerbszwecken dienende Gebrauchsüberlassung zu verstehen, unter Verleihen die zeitlich begrenzte, nicht Erwerbszwecken dienende Gebrauchsüberlassung durch eine der Öffentlichkeit zugängliche Einrichtung (Bibliothek, Bild- oder Schallträgersammlung, Artothek und dergleichen).</p> <p>(4) Die Abs. 1 und 2 gelten nicht:</p>	<p>Section 16a Renting and lending</p> <p>(1) Section 16 (3) shall not apply to the rental (subsection 3) of works.</p> <p>(2) Section 16 (3) shall apply to the lending (subsection 3) of works with the proviso that the author shall be entitled to appropriate remuneration. Such claims may only be asserted by collecting societies.</p> <p>(3) For the purposes of this provision, rental shall be understood as the temporary transfer of use for commercial purposes, and lending shall be understood as the temporary transfer of use for non-profit purposes by an institution accessible to the public (library, image or sound recording collection, art library and the like).</p> <p>(4) Paragraphs 1 and 2 shall not apply</p>

<sup>17</sup> [https://literar.at/docs/default-source/downloads/transparenz--und-gesch%C3%A4ftsbericht-2022-online.pdf?sfvrsn=bb7159e5\\_4](https://literar.at/docs/default-source/downloads/transparenz--und-gesch%C3%A4ftsbericht-2022-online.pdf?sfvrsn=bb7159e5_4)

<sup>18</sup> [https://literar.at/docs/default-source/downloads/transparenz--und-gesch%C3%A4ftsbericht-2022-online.pdf?sfvrsn=bb7159e5\\_4](https://literar.at/docs/default-source/downloads/transparenz--und-gesch%C3%A4ftsbericht-2022-online.pdf?sfvrsn=bb7159e5_4)

<p>1. für das Vermieten und Verleihen zum Zweck der Rundfunksendung (§ 17) sowie des öffentlichen Vortrags und der öffentlichen Aufführung und Vorführung (§ 18),</p> <p>2. für Werke der angewandten Kunst (des Kunstgewerbes).</p> <p>(5) Gestattet ein Werknutzungsberechtigter oder der nach § 38 Abs. 1 berechnigte Filmhersteller gegen Entgelt anderen das Vermieten oder Verleihen von Werkstücken, so hat der Urheber gegen den Werknutzungsberechtigten beziehungsweise den Filmhersteller einen unverzichtbaren Anspruch auf einen angemessenen Anteil an diesem Entgelt. Steht der Vergütungsanspruch für das Verleihen von Werkstücken nach dem Gesetz oder auf Grund eines Vertrages einem anderen zu, so hat der Urheber einen unverzichtbaren Anspruch auf einen angemessenen Anteil an der Vergütung.</p>	<p>1. to rental and lending for the purpose of broadcasting (§ 17) as well as public performance and presentation (§ 18),</p> <p>2. to works of applied art (arts and crafts).</p> <p>(5) If a person entitled to use a work or the film producer entitled under Section 38 (1) allows others to rent or lend works in return for remuneration, the author shall have an unwaivable claim against the person entitled to use the work or the film producer to an appropriate share of this remuneration. If the right to remuneration for the lending of works is due to another person in accordance with the law or on the basis of a contract, the author shall have an unwaivable claim to an appropriate share of the remuneration.</p>
--	--

#### 14 DISTRIBUTION RULES

Literar Mechana Distribution for Text creators – further rules by Bildrecht (CMO for visual artists).

<p><b>BIBLIOTHEKSTANTIEME</b></p> <p>7.1 Die Literar-Mechana verteilt an jene Berechtigten, deren Bücher in Bibliotheken in angemessenen Umfang ausgeliehen werden, wie folgt: Die Literar-Mechana verteilt an jene Berechtigten, deren Bücher in Bibliotheken in angemessenen Umfang ausgeliehen werden, wie folgt:</p> <p>7.1.1 Nach Maßgabe von Beschlüssen des Aufsichtsrates wird jährlich ein Anteil der erzielten Erlöse den sozialen und kulturellen Einrichtungen (SKE) zugewiesen. Nach Maßgabe von Beschlüssen des Aufsichtsrates wird jährlich ein Anteil der erzielten Erlöse den sozialen und kulturellen Einrichtungen (SKE) zugewiesen.</p> <p>7.1.2 Der nach Abzug der Verwaltungskosten verbleibende Betrag wird nach dem Verhältnis der in den Entlehnstatistiken ausgewiesenen</p>	<p><b>LIBRARY ROYALTY</b></p> <p>7.1 The Literar-Mechana distributes to those entitled whose books are borrowed in libraries to an appropriate extent as follows: The Literar-Mechana distributes to those entitled whose books are borrowed from libraries to an appropriate extent as follows:</p> <p>7.1.1 In accordance with resolutions of the Supervisory Board, a share of the revenue generated is allocated annually to social and cultural institutions (SKE). In accordance with resolutions of the Supervisory Board, a share of the revenue generated is allocated to social and cultural institutions (SKE) each year.</p> <p>7.1.2 The amount remaining after deduction of administrative costs is divided into two areas according to the ratio of the loans</p>
--	--



<p>Entlehnungen auf zwei Bereiche mit nachstehender prozentueller Zuordnung aufgeteilt</p> <ul style="list-style-type: none"> <li>- öffentliche Bibliotheken 80%</li> <li>- wissenschaftliche Bibliotheken 20%</li> </ul> <p>7.2 Öffentliche Bibliotheken</p> <p>7.2.1 Der Autor/inn/en- und Verlegeranteil wird nach einheitlichen Kriterien abgerechnet.</p> <p>7.2.2 Grundsätzlich ist der festgestellte Ausleihvorgang für die Verteilung maßgebend</p> <p>7.2.3 20% der Erträge werden auf alle Bezugsberechtigten, von deren Werken Entlehnungen festgestellt worden sind, verteilt. Auf jedes Werk entfällt ein Sockelbetrag in jeweils gleicher Höhe.</p> <p>7.2.4 80% werden im Wege der Hochrechnung aufgrund der Ausleihstatistik (Stichproben in Bibliotheken und Auswertung elektronisch gespeicherter Daten, die von den Bibliotheken vertragsgemäß zur Verfügung gestellt werden) verteilt.</p> <p>7.2.5 Verteilungsschlüssel:</p> <ul style="list-style-type: none"> <li>- nicht verlagsgebundene Werke: Autor/in 100%</li> <li>- verlagsgebundene Werke: Autor/in 70%, Verlag 30%</li> <li>- verlagsgebundene Werke mit Herausgeber/in: Autor/in 52,5%, Verlag 30%, Herausgeber/in 17,5%</li> <li>- übersetzte, nicht verlagsgebundene Werke: Autor/in 50%, Übersetzer/in 50%</li> <li>- übersetzte, verlagsgebundene Werke: Autor/in 35%, Übersetzer/in 35%, Verlag 30%</li> <li>- übersetzte, verlagsgebundene Werke mit Herausgeber/in: Autor/in 28%, Übersetzer/in 28%, Verlag 30%, Herausgeber/in 14%</li> </ul> <p>7.2.6 Die Anteile werden an die jeweils Berechtigten gesondert abgerechnet und verteilt.</p> <p>IBAN AT44 1100 0005 2185 7300, BIC BKAUATWW Handelsgericht Wien FN 127765s DVR 0732010 UID-Nr.: ATU16311006</p>	<p>shown in the loan statistics with the following percentage Assignment divided</p> <ul style="list-style-type: none"> <li>- public libraries 80%</li> <li>- academic libraries 20%</li> </ul> <p>7.2 Public libraries</p> <p>7.2.1 The author and publisher share is billed according to uniform criteria.</p> <p>7.2.2 In principle, the determined borrowing process is decisive for distribution</p> <p>7.2.3 20% of the proceeds will be distributed to all beneficiaries whose works have been borrowed. A base amount of the same amount is allocated to each work.</p> <p>7.2.4 80% is distributed by means of extrapolation based on borrowing statistics (samples in libraries and evaluation of electronically stored data provided by the libraries in accordance with the contract).</p> <p>7.2.5 Distribution key:</p> <ul style="list-style-type: none"> <li>- Non-publisher-affiliated works: Author 100%</li> <li>- Publisher-bound works: Author 70%, publisher 30%</li> <li>- Publisher-bound works with editor: author 52.5%, publisher 30%, editor 17.5%</li> <li>- Translated, non-publisher-affiliated works: author 50%, translator 50%</li> <li>- Translated, published works: author 35%, translator 35%, publisher 30%</li> <li>- Translated, publisher-bound works with editor: author 28%, translator 28%, publisher 30%, editor 14%</li> </ul> <p>7.2.6 The shares are billed and distributed separately to those entitled.</p> <p>IBAN AT44 1100 0005 2185 7300, BIC BKAUATWW Vienna Commercial Court FN 127765s DVR 0732010 VAT number: ATU16311006 www.literar.at Distribution regulations valid from January 1st. 2022 Page 23 of 23</p>
---	---

<p>www.literar.at Verteilungsbestimmungen gültig ab 1.1.2022 Seite 23 von 23</p> <p>7.3 Wissenschaftliche Bibliotheken Der Autor/inn/en- und Verlegeranteil wird nach einheitlichen Kriterien abgerechnet. Die Anteile werden aufgrund der Anmeldungen der Bezugsberechtigten repartiert. Bei übersetzten Werken entfällt eine Hälfte des Autor/inn/enanteils auf die Originalautor/inn/en und die andere Hälfte auf die Übersetzer/innen.</p> <p>7.3.1 Autor/inn/en- und Verlagsabrechnung Dem Abrechnungsbetrag im Bereich Repro Wissenschaft (Punkt 5.1. der Verteilungsbestimmungen) wird ein jährlich neu zu bestimmender Prozentsatz zugeschlagen.</p>	<p>7.3 Academic libraries The author and publisher share is billed according to uniform criteria. The shares will be redeemed based on the registrations of the beneficiaries. In the case of translated works, one half of the author's share goes to the original author and the other half to the Translators.</p> <p>7.3.1 Author and publisher billing The billing amount in the area of repro science (Point 5.1 of the distribution regulations) shall be increased by an annually determined percentage.</p>
--	--

## 15 COUNTRY REPORT BELGIUM

### 16 ADDITIONAL SYSTEM INFORMATION

- The system exists since 1994 and was based on a Royal Decree. Repobel as the central CMO, licensed by Minister of Economy collects the PLR fees, distribution is affected by separate rightsholders organisations such as Auvibel, responsible for distribution of remuneration for AV/Music (TV/Radio) licensing. The CMO represents estimated 99% of all Belgian authors and publishers (of covered materials). Repobel also distributes to foreign rightsholders under bilateral agreements.<sup>19</sup>
- Declaration of stock data is done by communities (Ex. Flemish Community, Fédération Wallonie-Bruxelles (FWB) / FWB, German-speaking Community / Ostbelgien).
- Declaration of lending data is done by lending institutions itself, or government association of lending institutions. The Flemish and the German-speaking Communities (for which a specific arrangement applies) pay the lending right fees in a centralised manner to Repobel, for all public libraries falling under their jurisdiction. The FWB does not pay the fees in a centralised manner for its public libraries, which means that these institutions must pay Repobel individually. For centralised declaration and/or payment there are specific discounts provided for in the Royal Decree. Communities and government institutions can also enter into an agreement (central payment) with Repobel. In practice, Repobel collects the public lending fees for reference year X in the calendar year X + 2.<sup>20</sup>
- Following the VEWA case, a new Royal Decree was published in 2012.<sup>21</sup> The ECJ ruled:
 

“Article 5(1) of Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property precludes legislation, such as that at issue in the main proceedings, which establishes a system under which the remuneration payable to authors in the event of public lending is calculated

<sup>19</sup> Interview with Kurt van Damme, Repobel on Januar 11, 2024.

<sup>20</sup> <https://www.reprobel.be/en/public-libraries/#2>

<sup>21</sup> <https://www.reprobel.be/>

exclusively according to the number of borrowers registered with public establishments, on the basis of a flat-rate amount fixed per borrower and per year.”<sup>22</sup>

The ECJ explains the concept of PLR remuneration under the European regime: *“Lastly, as regards the amount of remuneration, it must be observed that the Court has already held, in connection with the concept of ‘equitable remuneration’ in Article 8(2) of Directive 92/100, that the question whether that remuneration is equitable in character has to be assessed, in particular, in the light of the value of the use of a protected work in trade (see, to that effect, SENA, paragraph 37). However, as has been pointed out in paragraph 23 of the present judgment, in accordance with Article 1(3) of Directive 92/100, lending does not have a direct or indirect economic or commercial character. In those circumstances, the use of a protected work in the event of public lending cannot be assessed in the light of its value in trade. Consequently, the amount of the remuneration will necessarily be less than that which corresponds to equitable remuneration or may even be fixed on a flat-rate basis in order to compensate for the act of making available all the protected works concerned.*

*That being the case, the remuneration to be fixed must, in accordance with what is set out in the 7th recital in the preamble to Directive 92/100, be capable of allowing authors to receive an adequate income. Its amount cannot therefore be purely symbolic.”*<sup>23</sup>

- Now, the calculation of the PLR fee depends on the number of works in the collections of the public libraries (the lending offering) and the actual number of loans. The collection fee is a graduated scale fee (six categories), while the lending fee is a fixed amount per loan. No payment is required for works in the library’s stock (which are not available for lending) and for works that are not or no longer protected by copyright. An extension of a loan is not considered a loan.<sup>24</sup>
- The 2022 Income Report of Repobel lists an income of 2,522,663 €<sup>25</sup>:
- Eligible publishers are “the natural or legal persons who, within the framework of a professional activity and through an organised corporate structure, invest in authors’ works, who prepare and produce these works for publication, who are responsible for their publication, exploitation, marketing and distribution and who may assert specific rights (including remuneration rights) to these works by virtue of the law, a transfer or licence.”

## 17 BEST PRACTICES IN THE COUNTRY

- Following the VEWA case, the system is now stable and respected. Mixed systems of CMO and partner institutions representing and responsible for distribution for specific rightsholders in different sectors and industries.
- System covering AV/Music/Film materials, therefore covering a broader cultural rights protection.

## 18 MAIN RESOURCES FOR FURTHER RESEARCH

<https://www.reprobel.be/en/public-libraries/#1>  
<https://www.kbr.be/en/collections/digital-collections/>

---

<sup>22</sup> ECJ Judgment of June 30, 2011; C 271/10 – VEWA.

<sup>23</sup> ECJ Judgment of June 30, 2011; C 271/10 – VEWA, para. 32 – 34.

<sup>24</sup> <https://www.reprobel.be/en/public-libraries/#1>

<sup>25</sup> <https://www.reprobel.be/wp-content/uploads/2023/06/Reprobel-rapport-annuel-FR-gecomprimeerd.pdf> , p. 22.

19 LEGAL PROVISION IN NATIONAL LAW

EXCEPTION FOR PLR – ALL “XI.” ARTICLES PERTAIN TO THE BELGIAN CODE OF ECONOMIC LAW<sup>26</sup>

Dutch Original	Machine Translation (Google Translate):
<p>Art. XI.192</p> <p>§ 1</p> <p>De auteur kan de uitlening van werken van letterkunde, databanken, fotografische werken, partituren van muziekwerken, geluidswerken en audiovisuele werken niet verbieden wanneer die uitlening geschiedt met een educatief of cultureel doel door instellingen die daartoe door de overheid officieel zijn erkend of opgericht.</p> <p>2[De auteur kan de uitlening door een in België gevestigde toegelaten entiteit aan een begunstigde of een andere toegelaten entiteit gevestigd in een lidstaat van de Europese Unie, van een exemplaar in toegankelijke vorm niet verbieden, wanneer die uitlening geschiedt 3[zonder winstoogmerk en met het oog op]3 exclusief gebruik door een begunstigde3[...].]2</p> <p>§ 2</p> <p>De uitlening van geluidswerken en audiovisuele werken kan pas plaatsvinden twee maanden na de eerste verspreiding van het werk onder het publiek.</p> <p>Na raadpleging van de instellingen en vennootschappen voor het beheer van de rechten, kan de Koning voor alle fonogrammen en eerste vastleggingen van films of voor bepaalde daarvan de in het vorige lid bedoelde termijn verlengen of verkorten.</p> <p>§ 3</p> <p>De in paragraaf 1 bedoelde instellingen die door de Koning worden aangewezen, mogen werken van letterkunde, databanken, fotografische werken, geluidsen audiovisuele werken alsook partituren van muziekwerken invoeren die voor het eerst buiten de Europese Unie rechtmatig zijn verkocht en die op het grondgebied van die Unie niet aan het publiek worden verdeeld, ingeval die invoer geschiedt voor openbare uitleningen met een educatief of cultureel doel en voor zover zulks geen</p>	<p>Art. XI.192</p> <p>§ 1</p> <p>The author cannot prohibit the lending of literary works, databases, photographic works, scores of musical works, sound works and audiovisual works when such lending is made for an educational or cultural purpose by institutions officially recognized or established for that purpose by the government.</p> <p>2[The author cannot prohibit the lending by an authorized entity established in Belgium to a beneficiary or another authorized entity established in a Member State of the European Union, of an accessible format copy, where such lending is made 3[not for profit and with for the purpose of]3 exclusive use by a beneficiary3[...].]2</p> <p>§ 2</p> <p>The lending of sound works, and audiovisual works can only take place two months after the first distribution of the work to the public.</p> <p>After consulting the rights management institutions and companies, the King may extend or shorten the period referred to in the previous paragraph for all phonograms and first fixations of films or for certain of them.</p> <p>§ 3</p> <p>The institutions referred to in paragraph 1 and designated by the King may import literary works, databases, photographic works, sound and audiovisual works, as well as scores of musical works, which have been lawfully sold for the first time outside the European Union and which have been sold in the territory of that Union shall not be distributed to the public where such importation is for public lending purposes for an educational or cultural purpose and insofar as this does not involve more than five copies or scores of the work.</p>

<sup>26</sup> Published in French and Dutch <https://www.wipo.int/wipolex/en/legislation/details/21384>

<p>betrekking heeft op meer dan vijf exemplaren of partituren van het werk.</p>	
<p>Art. XI.243 § 1 In geval van uitlening van werken van letterkunde, databanken, fotografische werken of partituren van muziekwerken onder de voorwaarden genoemd in artikel XI.192, hebben de auteur en de uitgever recht op een vergoeding.</p> <p>§ 2 In geval van uitlening van geluidswerken of audiovisuele werken onder de voorwaarden genoemd in de artikelen XI.192 en XI.218, hebben de auteur, de uitvoerende kunstenaar en de producent recht op een vergoeding.</p>	<p>Art. XI.243 § 1 In the event of the loan of literary works, databases, photographic works or scores of musical works under the conditions referred to in Article XI.192, the author and the publisher are entitled to compensation.</p> <p>§ 2 In the event of the loan of sound works or audiovisual works under the conditions stated in Articles XI.192 and XI.218, the author, the performer and the producer are entitled to compensation.</p>
<p>Art. XI.244</p> <p>Na raadpleging van de Gemeenschappen, de instellingen en 2[beheersvennootschappen]2 bepaalt de Koning het bedrag van de in artikel XI.243 bedoelde vergoedingen. De Koning kan het bedrag van de in artikel XI.243 bedoelde vergoeding bepalen, o.a. in functie van:</p> <ol style="list-style-type: none"> <li>1. het volume van de collectie van de uitleeninstelling; en/of</li> <li>2. het aantal uitleningen per instelling.</li> </ol> <p>Deze vergoedingen worden geïnd door de 2[beheersvennootschappen en/of collectieve beheerorganisaties die in België de in artikel XI.243 bedoelde vergoeding beheren]2.</p> <p>De Koning kan, overeenkomstig de door Hem gestelde voorwaarden en nadere regels, 2[een beheersvennootschap die representatief is voor alle beheersvennootschappen en collectieve beheerorganisaties die in België de in artikel XI.243 bedoelde vergoeding beheren]2, belasten met de inning en de verdeling van de vergoedingen voor openbare uitlening. Na raadpleging van de Gemeenschappen en, in voorkomend geval, op hun initiatief, bepaalt de Koning voor sommige categorieën van instellingen die door de</p>	<p>Art. XI.244</p> <p>After consulting the Communities, the institutions and 2[management companies]2, the King determines the amount of the compensation referred to in Article XI.243. The King may determine the amount of the compensation referred to in Article XI.243, depending on, among other things:</p> <ol style="list-style-type: none"> <li>1. the volume of the lending institution's collection; and/or</li> <li>2. the number of loans per institution.</li> </ol> <p>These fees are collected by the 2[management companies and/or collective management organizations that manage the fee referred to in Article XI.243 in Belgium]2.</p> <p>The King may, in accordance with the conditions and further rules set by Him, 2[a management company that is representative of all management companies and collective management organizations that manage the compensation referred to in Article public lending fees. After consulting the Communities and, where appropriate, on their initiative, the King determines, for certain categories of institutions recognized or established by the government, an exemption or a fixed amount per loan when determining the compensation referred to in Article XI.243.</p>

<p>overheid zijn erkend of opgericht, een vrijstelling of een forfaitair vastgesteld bedrag per uitlening bij de vaststelling van de vergoedingen bedoeld in artikel XI.243.</p>	
<p>Art. XI.245 § 1 Onverminderd het bepaalde in internationale overeenkomsten wordt de in artikel XI.243, § 1, bedoelde vergoeding verdeeld tussen de auteurs en de uitgevers naar rata van 70 % voor de auteurs en 30 % voor de uitgevers.</p> <p>§ 2 Onverminderd het bepaalde in internationale overeenkomsten wordt de in artikel XI.243, § 2, bedoelde vergoeding verdeeld tussen de auteurs, de uitvoerende kunstenaars en de producenten naar rata van een derde voor elk.</p> <p>§ 3 De bepalingen in de eerste en de tweede paragraaf zijn van dwingend recht. Het deel van de in artikel XI.243, § 1 bedoelde vergoeding, waarop de auteurs recht hebben is onoverdraagbaar. Het deel van de in artikel XI.243, § 2 bedoelde vergoeding, waarop de auteurs en de uitvoerende kunstenaars recht hebben, is onoverdraagbaar.</p>	<p>Art. XI.245 § 1 Without prejudice to the provisions of international agreements, the remuneration referred to in Article XI.243 § 1 shall be divided between authors and publishers in the proportion of 70% for authors and 30% for publishers.</p> <p>§ 2 Without prejudice to the provisions of international agreements, the remuneration referred to in Article XI.243 § 2 shall be divided between authors, performers and producers in the proportion of one third for each.</p> <p>§ 3 The provisions in the first and second paragraphs are mandatory law. The part of the compensation referred to in Article XI.243, § 1, to which the authors are entitled is non-transferable. The part of the compensation referred to in Article XI.243, § 2, to which the authors and performers are entitled, is non-transferable.</p>

Belgium Royal Decree of December 13, 2012

Koninklijk besluit van 13 december 2012 betreffende de vergoeding voor openbare uitlening en tot intrekking van het koninklijk besluit van 25 april 2004 betreffende de vergoedingsrechten voor openbare uitlening van de auteurs, vertolkende of uitvoerende kunstenaars, producenten van fonogrammen en producenten van eerste vastleggingen van films.

Original Wording	Machine Translation (Google Translate)
<p>Koninklijk besluit van 13 december 2012 betreffende de vergoeding voor openbare uitlening en tot intrekking van het koninklijk besluit van 25 april 2004 betreffende de vergoedingsrechten voor openbare uitlening van de auteurs, vertolkende of uitvoerende kunstenaars, producenten van fonogrammen en producenten van eerste vastleggingen van films (BS 27 december 2012 (ed. 2))</p>	<p>Royal Decree of 13 December 2012 on remuneration for public lending and repealing the Royal Decree of 25 April 2004 on remuneration rights for public lending of authors, interpreters or performers, producers of phonograms and producers of first fixations of films (BS 27 December 2012 (ed. 2))</p>

<p>Art. 1 Het huidige koninklijk besluit zet de bepalingen om van artikel 5 van de Europese Richtlijn 92/100/EEG van de Raad van 19 november 1992 betreffende het verhuurrecht, het uitleenrecht en bepaalde naburige rechten op het gebied van intellectuele eigendom, dat vervangen werd door het artikel 6 van Richtlijn 2006/115/EG van het Europees Parlement en de Raad van 12 december 2006 betreffende het verhuurrecht, het uitleenrecht en bepaalde naburige rechten op het gebied van intellectuele eigendom.</p>	<p>Art. 1 The current Royal Decree transposes the provisions of Article 5 of European Council Directive 92/100/EEC of 19 November 1992 on rental rights, lending rights and certain related rights in the field of intellectual property, which has been replaced by the Article 6 of Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right, lending right and certain related rights in the field of intellectual property.</p>
<p>Art. 2 In de zin van dit besluit moet worden verstaan onder:</p> <ol style="list-style-type: none"> <li>1. De wet: de wet van 30 juni 1994 betreffende het auteursrecht en de naburige rechten;</li> <li>2. De vergoeding voor openbare uitlening: de vergoedingsrechten die bedoeld worden in artikel 62 van de wet van 30 juni 1994 betreffende het auteursrecht en de naburige rechten;</li> <li>3. De uitleeninstellingen: de uitleeninstellingen bedoeld in de artikelen 23 en 47 van de wet van 30 juni 1994 betreffende het auteursrecht en de naburige rechten;</li> <li>4. De verenigingen van uitleeninstellingen: de feitelijke of juridische verenigingen van verschillende uitleeninstellingen die de administratieve bevoegdheid hebben om deze instellingen in rechte te verbinden en ze te vertegenwoordigen voor de toepassing van dit besluit;</li> <li>5. De publieke overheden <ol style="list-style-type: none"> <li>a. de Staat, de gemeenschappen, de gewesten, de provincies, de gemeenten, alsmede de verenigingen gevormd door een of meerdere van deze;</li> <li>b. de organismen van openbaar nut, de publiekrechtelijke verenigingen, de openbare centra voor maatschappelijk welzijn, de besturen die belast zijn met het beheer van de temporaliteiten van de erkende erediensten en de instellingen die belast zijn met het beheer van de materiële en financiële belangen van de erkende niet-confessionele</li> </ol> </li> </ol>	<p>Art. 2 For the purposes of this decision, the following definitions apply:</p> <ol style="list-style-type: none"> <li>1. The law: the law of 30 June 1994 on copyright and related rights;</li> <li>2. The compensation for public lending: the compensation rights referred to in Article 62 of the Act of 30 June 1994 on copyright and related rights;</li> <li>3. The lending institutions: the lending institutions referred to in Articles 23 and 47 of the Act of 30 June 1994 on copyright and related rights;</li> <li>4. The associations of lending institutions: the de facto or legal associations of various lending institutions that have the administrative authority to legally bind these institutions and represent them for the application of this decision;</li> <li>5. Public authorities <ol style="list-style-type: none"> <li>a. the State, the communities, the regions, the provinces, the municipalities, as well as the associations formed by one or more of these;</li> <li>b. public interest bodies, associations governed by public law, public centers for social welfare, authorities responsible for managing the temporalities of recognized religious services and institutions responsible for managing the material and financial interests of the recognized non-denominational philosophical communities, the regional development</li> </ol> </li> </ol>

<p>levensbeschouwelijke gemeenschappen, de gewestelijke ontwikkelingsmaatschappijen, de polders en wateringeng, de ruilverkavelingscomités;</p> <p>c. de rechtspersonen die opgericht zijn met het specifieke doel te voorzien in behoeften van algemeen belang die niet van industriële of commerciële aard zijn, en rechtspersoonlijkheid hebben, en waarvan ofwel de werkzaamheden in hoofdzaak gefinancierd worden door de overheden of instellingen vermeld in 5° van dit artikel, ofwel het beheer onderworpen is aan toezicht van die overheden of instellingen, ofwel de leden van directie, van de raad van bestuur of van de raad van toezicht voor meer dan de helft door die overheden of instellingen zijn aangewezen;</p> <p>6. De wetenschappelijke instellingen: de erkende instellingen die in uitvoering van artikel 2753, tweede lid, van het Wetboek van de inkomstenbelastingen 1992 zijn opgenomen in de lijst van de bijlage IIIquater van het koninklijk besluit in uitvoering van het Wetboek van de inkomstenbelastingen 1992;</p> <p>7. De uitlening: de uitlening bedoeld in de artikelen 23 en 47 van de wet van 30 juni 1994 betreffende het auteursrecht en de naburige rechten;</p> <p>8. De beheersvennootschap: de vennootschap die krachtens artikel 63, tweede lid, van de wet van 30 juni 1994 betreffende het auteursrecht en de naburige rechten, belast is met de inning en de verdeling van de vergoedingen voor openbare uitlening;</p> <p>9. De referentieperiode: de jaarlijkse periode waarop de vergoeding voor openbare uitlening betrekking heeft. Deze periode komt overeen met een kalenderjaar;</p> <p>10. De collectie: het geheel van de werken en/of prestaties die door een uitleeninstelling bijgehouden worden;</p> <p>11. De dag: de dag die noch een zaterdag, noch een zondag, noch een wettelijke feestdag is. Indien een termijn verstrijkt op</p>	<p>companies, the polders and waterways, the land consolidation committees;</p> <p>c. legal entities established for the specific purpose of meeting needs of general interest that are not of an industrial or commercial nature, and have legal personality, and whose activities are mainly financed by the authorities or institutions mentioned in 5° of this article, or the management is subject to supervision by those authorities or institutions, or the members of the management, board of directors or supervisory board are more than half appointed by those authorities or institutions;</p> <p>6. Scientific institutions: the recognized institutions that, in implementation of Article 2753, second paragraph, of the Income Tax Code 1992, are included in the list of Annex IIIquater of the Royal Decree in implementation of the Income Tax Code 1992;</p> <p>7. Lending: the lending referred to in Articles 23 and 47 of the Act of 30 June 1994 on copyright and related rights;</p> <p>8. The management company: the company that, pursuant to Article 63, second paragraph, of the Act of 30 June 1994 on copyright and related rights, is responsible for the collection and distribution of public lending fees;</p> <p>9. The reference period: the annual period to which the public lending remuneration relates. This period corresponds to a calendar year;</p> <p>10. The collection: the entirety of the works and/or performances kept by a lending institution;</p> <p>11. The day: the day that is neither a Saturday, nor a Sunday, nor a legal holiday. If a term expires on a Saturday, Sunday or a</p>
--	--



<p>een zaterdag, een zondag of een wettelijke feestdag, wordt deze verlengd tot de eerstvolgende werkdag;</p> <p>12. De Minister: de minister bevoegd voor het auteursrecht.</p>	<p>legal holiday, it will be extended until the next working day;</p> <p>12. The Minister: the minister responsible for copyright.</p>
<p>Art. 3 De termijn bepaald in artikel 23, § 2, van de wet waarna de uitlening van geluidswerken en audiovisuele werken pas kan plaatsvinden, wordt verkort tot twee maanden na de eerste verspreiding van het werk onder het publiek. De termijn waarin artikel 47, § 2, van de wet voorziet, waarna de uitlening van fonogrammen en eerste vastleggingen van films pas kan geschieden, wordt verkort tot twee maanden na de eerste verspreiding van het werk onder het publiek.</p>	<p>Art. 3 The period specified in Article 23, § 2, of the law after which the lending of sound works and audiovisual works can only take place is shortened to two months after the first distribution of the work to the public. The period provided for in Article 47, § 2 of the law, after which the lending of phonograms and first recordings of films can only take place, is shortened to two months after the first distribution of the work to the public.</p>
<p>Art. 4 § 1 Het jaarlijks bedrag exclusief B.T.W. van de vergoeding voor openbare uitlening door uitleeninstellingen omvat:</p> <ol style="list-style-type: none"> <li>1. Een forfaitair bedrag dat wordt bepaald afhankelijk van de grootte van de collectie van de uitleeninstelling zoals deze werd vastgesteld op de begindatum van de referentieperiode, en;</li> <li>2. Een bedrag dat wordt bepaald afhankelijk van het aantal uitleningen per uitleeninstelling, per referentieperiode.</li> </ol> <p>§ 2 Om het forfaitaire bedrag te bepalen bedoeld in paragraaf 1, 1., wordt de omvang van de collectie op de begindatum van de referentieperiode verminderd met:</p> <ol style="list-style-type: none"> <li>1. Het aantal werken en/of prestaties die niet door de instelling ter beschikking worden gesteld zodat de uitlening ervan niet mogelijk is, en;</li> <li>2. Het aantal werken en/of prestaties die door de instelling ter beschikking worden gesteld, zodat de uitlening ervan mogelijk is, en die tot het publieke domein behoren.</li> </ol> <p>Het aantal werken en/of prestaties bedoeld in het eerste lid, 1., wordt enkel aangegeven als dit aantal als dusdanig is geïdentificeerd in een geautomatiseerd gegevensregistratiesysteem waar het aantal werken en/of prestaties die niet door de instelling ter beschikking worden gesteld zodat de uitlening ervan niet mogelijk is, en</p>	<p>Art. 4 § 1 The annual amount excluding VAT. of the remuneration for public lending by lending institutions includes:</p> <ol style="list-style-type: none"> <li>1. A fixed amount determined depending on the size of the lending institution's collection as determined on the start date of the reference period, and;</li> <li>2. An amount determined depending on the number of loans per lending institution, per reference period.</li> </ol> <p>§ 2 To determine the fixed amount referred to in paragraph 1, 1., the size of the collection on the start date of the reference period is reduced by:</p> <ol style="list-style-type: none"> <li>1. the number of works and/or performances that are not made available by the institution so that their lending is not possible, and;</li> <li>2. the number of works and/or performances that are made available by the institution, so that their lending is possible, and that belong to the public domain.</li> </ol> <p>The number of works and/or services referred to in the first paragraph, 1., is only indicated if this number is identified as such in an automated data registration system where the number of works and/or services that are not made available by the institution so that the loan is not possible and is</p>

<p>dat gecentraliseerd is op het niveau van de bevoegde publieke overheden of de verenigingen van uitleeninstellingen. Bij gebrek aan dergelijke identificatie van het aantal werken en/of prestaties, bedoeld in het eerste lid, 1., wordt dat aantal forfaitair geraamd op 5 procent van de collectie. Het aantal werken en/of prestaties, bedoeld in het eerste lid, 2., wordt forfaitair geraamd op 5 procent van de collectie.</p>	<p>centralized at the level of the competent public authorities or lending institutions' associations. In the absence of such identification of the number of works and/or performances referred to in the first paragraph, 1., that number is estimated at a flat rate at 5 percent of the collection. The number of works and/or performances referred to in the first paragraph, 2., is estimated at a fixed rate of 5 percent of the collection.</p>																																																																																																														
<p>§ 3 Het bedrag, bedoeld in § 1, 1., wordt voor elke referentieperiode van 1 januari 2004 tot 31 december 2012 als volgt vastgesteld:</p> <table border="1"> <thead> <tr> <th>Collectie bedrag</th> <th>Jaarlijkse verschuldigd</th> </tr> </thead> <tbody> <tr> <td>1 t.e.m. 12.500 EUR</td> <td>300</td> </tr> <tr> <td>12.501 t.e.m. 25.000 EUR</td> <td>750</td> </tr> <tr> <td>25.001 t.e.m. 50.000 EUR</td> <td>1500</td> </tr> <tr> <td>50.001 t.e.m. 100.000 EUR</td> <td>2200</td> </tr> <tr> <td>100.001 t.e.m. 200.000 EUR</td> <td>3000</td> </tr> <tr> <td>200.001 en meer. EUR</td> <td>3600</td> </tr> </tbody> </table> <p>Het in § 1, 1., bedoelde bedrag wordt voor elke referentieperiode van 1 januari 2013 tot 31 december 2017 als volgt vastgesteld:</p> <table border="1"> <thead> <tr> <th rowspan="2">Collectie</th> <th colspan="5">Referentiejaar</th> </tr> <tr> <th>2013</th> <th>2014</th> <th>2015</th> <th>2016</th> <th>2017</th> </tr> </thead> <tbody> <tr> <td>1 t.e.m. 12.500 EUR</td> <td>345 EUR</td> <td>390 EUR</td> <td>434 EUR</td> <td>479 EUR</td> <td>524 EUR</td> </tr> <tr> <td>12.501 t.e.m. 25.000 EUR</td> <td>862 EUR</td> <td>974 EUR</td> <td>1086 EUR</td> <td>1198 EUR</td> <td>1310 EUR</td> </tr> <tr> <td>25.001 t.e.m. 50.000 EUR</td> <td>1724 EUR</td> <td>1948 EUR</td> <td>2172 EUR</td> <td>2396 EUR</td> <td>2620 EUR</td> </tr> <tr> <td>50.001 t.e.m. 100.000 EUR</td> <td>2529 EUR</td> <td>2857 EUR</td> <td>3186 EUR</td> <td>3514 EUR</td> <td>3843 EUR</td> </tr> <tr> <td>100.001 t.e.m. 200.000 EUR</td> <td>3448 EUR</td> <td>3896 EUR</td> <td>4344 EUR</td> <td>4792 EUR</td> <td>5240 EUR</td> </tr> <tr> <td>200.001 en meer. EUR</td> <td>4138 EUR</td> <td>4675 EUR</td> <td>5213 EUR</td> <td>5751 EUR</td> <td>6288 EUR</td> </tr> </tbody> </table> <p>Vanaf de referentieperiode 2018 en voor volgende, zijn de bedragen per categorie</p>	Collectie bedrag	Jaarlijkse verschuldigd	1 t.e.m. 12.500 EUR	300	12.501 t.e.m. 25.000 EUR	750	25.001 t.e.m. 50.000 EUR	1500	50.001 t.e.m. 100.000 EUR	2200	100.001 t.e.m. 200.000 EUR	3000	200.001 en meer. EUR	3600	Collectie	Referentiejaar					2013	2014	2015	2016	2017	1 t.e.m. 12.500 EUR	345 EUR	390 EUR	434 EUR	479 EUR	524 EUR	12.501 t.e.m. 25.000 EUR	862 EUR	974 EUR	1086 EUR	1198 EUR	1310 EUR	25.001 t.e.m. 50.000 EUR	1724 EUR	1948 EUR	2172 EUR	2396 EUR	2620 EUR	50.001 t.e.m. 100.000 EUR	2529 EUR	2857 EUR	3186 EUR	3514 EUR	3843 EUR	100.001 t.e.m. 200.000 EUR	3448 EUR	3896 EUR	4344 EUR	4792 EUR	5240 EUR	200.001 en meer. EUR	4138 EUR	4675 EUR	5213 EUR	5751 EUR	6288 EUR	<p>§ 3 The amount referred to in § 1, 1. is determined as follows for each reference period from 1 January 2004 to 31 December 2012:</p> <table border="1"> <thead> <tr> <th>Collection</th> <th>Annual amount due</th> </tr> </thead> <tbody> <tr> <td>1 up to and including 12,500 EUR</td> <td>300</td> </tr> <tr> <td>12,501 up to and including 25,000 EUR</td> <td>750</td> </tr> <tr> <td>25,001 up to and including 50,000 EUR</td> <td>1500</td> </tr> <tr> <td>50,001 up to and including 100,000 EUR</td> <td>2200</td> </tr> <tr> <td>100,001 up to and including 200,000 EUR</td> <td>3000</td> </tr> <tr> <td>200,001 and more. EUR</td> <td>3600</td> </tr> </tbody> </table> <p>The amount referred to in § 1, 1., is determined as follows for each reference period from 1 January 2013 to 31 December 2017:</p> <table border="1"> <thead> <tr> <th rowspan="2">Collection</th> <th colspan="5">Reference year</th> </tr> <tr> <th>2013</th> <th>2014</th> <th>2015</th> <th>2016</th> <th>2017</th> </tr> </thead> <tbody> <tr> <td>1 up to and including 12,500 EUR</td> <td>345 EUR</td> <td>390 EUR</td> <td>434 EUR</td> <td>479 EUR</td> <td>524 EUR</td> </tr> <tr> <td>12,501 up to and including 25,000 EUR</td> <td>862 EUR</td> <td>974 EUR</td> <td>1086 EUR</td> <td>1198 EUR</td> <td>1319 EUR</td> </tr> <tr> <td>25,001 up to and including 50,000 EUR</td> <td>1724 EUR</td> <td>1948 EUR</td> <td>2172 EUR</td> <td>2396 EUR</td> <td>2620 EUR</td> </tr> <tr> <td>50,001 up to and including 100,000 EUR</td> <td>2529 EUR</td> <td>2857 EUR</td> <td>3186 EUR</td> <td>3514 EUR</td> <td>3843 EUR</td> </tr> </tbody> </table>	Collection	Annual amount due	1 up to and including 12,500 EUR	300	12,501 up to and including 25,000 EUR	750	25,001 up to and including 50,000 EUR	1500	50,001 up to and including 100,000 EUR	2200	100,001 up to and including 200,000 EUR	3000	200,001 and more. EUR	3600	Collection	Reference year					2013	2014	2015	2016	2017	1 up to and including 12,500 EUR	345 EUR	390 EUR	434 EUR	479 EUR	524 EUR	12,501 up to and including 25,000 EUR	862 EUR	974 EUR	1086 EUR	1198 EUR	1319 EUR	25,001 up to and including 50,000 EUR	1724 EUR	1948 EUR	2172 EUR	2396 EUR	2620 EUR	50,001 up to and including 100,000 EUR	2529 EUR	2857 EUR	3186 EUR	3514 EUR	3843 EUR
Collectie bedrag	Jaarlijkse verschuldigd																																																																																																														
1 t.e.m. 12.500 EUR	300																																																																																																														
12.501 t.e.m. 25.000 EUR	750																																																																																																														
25.001 t.e.m. 50.000 EUR	1500																																																																																																														
50.001 t.e.m. 100.000 EUR	2200																																																																																																														
100.001 t.e.m. 200.000 EUR	3000																																																																																																														
200.001 en meer. EUR	3600																																																																																																														
Collectie	Referentiejaar																																																																																																														
	2013	2014	2015	2016	2017																																																																																																										
1 t.e.m. 12.500 EUR	345 EUR	390 EUR	434 EUR	479 EUR	524 EUR																																																																																																										
12.501 t.e.m. 25.000 EUR	862 EUR	974 EUR	1086 EUR	1198 EUR	1310 EUR																																																																																																										
25.001 t.e.m. 50.000 EUR	1724 EUR	1948 EUR	2172 EUR	2396 EUR	2620 EUR																																																																																																										
50.001 t.e.m. 100.000 EUR	2529 EUR	2857 EUR	3186 EUR	3514 EUR	3843 EUR																																																																																																										
100.001 t.e.m. 200.000 EUR	3448 EUR	3896 EUR	4344 EUR	4792 EUR	5240 EUR																																																																																																										
200.001 en meer. EUR	4138 EUR	4675 EUR	5213 EUR	5751 EUR	6288 EUR																																																																																																										
Collection	Annual amount due																																																																																																														
1 up to and including 12,500 EUR	300																																																																																																														
12,501 up to and including 25,000 EUR	750																																																																																																														
25,001 up to and including 50,000 EUR	1500																																																																																																														
50,001 up to and including 100,000 EUR	2200																																																																																																														
100,001 up to and including 200,000 EUR	3000																																																																																																														
200,001 and more. EUR	3600																																																																																																														
Collection	Reference year																																																																																																														
	2013	2014	2015	2016	2017																																																																																																										
1 up to and including 12,500 EUR	345 EUR	390 EUR	434 EUR	479 EUR	524 EUR																																																																																																										
12,501 up to and including 25,000 EUR	862 EUR	974 EUR	1086 EUR	1198 EUR	1319 EUR																																																																																																										
25,001 up to and including 50,000 EUR	1724 EUR	1948 EUR	2172 EUR	2396 EUR	2620 EUR																																																																																																										
50,001 up to and including 100,000 EUR	2529 EUR	2857 EUR	3186 EUR	3514 EUR	3843 EUR																																																																																																										

<p>van collectie dezelfde als deze van het referentiejaar 2017.</p>	<table border="1"> <tr> <td>100.001 up to and including 200.000</td> <td>3448 EUR</td> <td>3896 EUR</td> <td>4344 EUR</td> <td>4792 EUR</td> <td>5240 EUR</td> </tr> <tr> <td>200.001 and more</td> <td>4138 EUR</td> <td>4675 EUR</td> <td>5213 EUR</td> <td>5751 EUR</td> <td>6288 EUR</td> </tr> </table>	100.001 up to and including 200.000	3448 EUR	3896 EUR	4344 EUR	4792 EUR	5240 EUR	200.001 and more	4138 EUR	4675 EUR	5213 EUR	5751 EUR	6288 EUR																																
100.001 up to and including 200.000	3448 EUR	3896 EUR	4344 EUR	4792 EUR	5240 EUR																																								
200.001 and more	4138 EUR	4675 EUR	5213 EUR	5751 EUR	6288 EUR																																								
<p>§ 4 Het bedrag, bedoeld in § 1, 2°, wordt als volgt vastgesteld:</p> <ol style="list-style-type: none"> <li>1. het totale aantal uitleningen wordt verminderd met 5 percent om de uitleningen van werken en/of prestaties die tot het publieke domein behoren forfaitair in rekening te brengen;</li> <li>2. het aantal uitleningen vastgesteld na de in 1° bedoelde forfaitaire vermindering wordt voor elke referentieperiode van 1 januari 2004 tot 31 december 2012, vermenigvuldigd met 0,0168 EUR.</li> </ol> <p>Voor elke referentieperiode van 1 januari 2013 tot 31 december 2017, wordt het aantal uitleningen vastgesteld na de in eerste lid, 1. bedoelde forfaitaire vermindering vermenigvuldigd met:</p> <table border="0"> <tr> <td>Referentiejaar</td> <td></td> </tr> <tr> <td>2013</td> <td>0.0193</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2014</td> <td>0.0219</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2015</td> <td>0.0244</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2016</td> <td>0.0269</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2017</td> <td>0.0294</td> </tr> <tr> <td>EUR</td> <td></td> </tr> </table> <p>Vanaf de referentieperiode 2018 en voor volgende, wordt het aantal uitleningen vastgesteld na de in eerste lid, 1., bedoelde forfaitaire vermindering vermenigvuldigd met 0,0294 EUR.</p>	Referentiejaar		2013	0.0193	EUR		2014	0.0219	EUR		2015	0.0244	EUR		2016	0.0269	EUR		2017	0.0294	EUR		<p>From the reference period 2018 onwards, the amounts per collection category are the same as those for the reference year 2017.</p> <p>§ 4 The amount referred to in § 1, 2° is determined as follows:</p> <ol style="list-style-type: none"> <li>1. the total number of loans is reduced by 5 percent in order to charge a flat rate for loans of works and/or services that belong to the public domain;</li> <li>2. the number of loans determined after the flat-rate reduction referred to in 1° is multiplied by EUR 0.0168 for each reference period from 1 January 2004 to 31 December 2012.</li> </ol> <p>For each reference period from January 1, 2013 to December 31, 2017, the number of loans determined after the flat-rate reduction referred to in the first paragraph, 1° is multiplied by:</p> <table border="0"> <tr> <td>Reference year</td> <td></td> </tr> <tr> <td>2013</td> <td>0.0193</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2014</td> <td>0.0219</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2015</td> <td>0.0244</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2016</td> <td>0.0269</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2017</td> <td>0.0294</td> </tr> <tr> <td>EUR</td> <td></td> </tr> </table> <p>From the reference period 2018 and for subsequent periods, the number of loans will be determined after the flat-rate reduction referred to in the first paragraph, 1., multiplied by EUR 0.0294.</p>	Reference year		2013	0.0193	EUR		2014	0.0219	EUR		2015	0.0244	EUR		2016	0.0269	EUR		2017	0.0294	EUR	
Referentiejaar																																													
2013	0.0193																																												
EUR																																													
2014	0.0219																																												
EUR																																													
2015	0.0244																																												
EUR																																													
2016	0.0269																																												
EUR																																													
2017	0.0294																																												
EUR																																													
Reference year																																													
2013	0.0193																																												
EUR																																													
2014	0.0219																																												
EUR																																													
2015	0.0244																																												
EUR																																													
2016	0.0269																																												
EUR																																													
2017	0.0294																																												
EUR																																													
<p>§ 5 Het jaarlijkse bedrag van de vergoeding voor openbare uitlening verschuldigd door de uitleeninstellingen is het resultaat van de som van de bedragen bedoeld in § 1, 1. en 2., die worden berekend overeenkomstig §§ 2 tot 4.</p>	<p>§ 5 The annual amount of the public lending fee payable by the lending institutions is the result of the sum of the amounts referred to in § 1, 1. and 2., which are calculated in accordance with §§ 2 to 4.</p>																																												

<p>§ 6 De publieke overheden en de verenigingen van uitleeninstellingen kunnen de betaling van de vergoedingen voor openbare uitlening geheel of gedeeltelijk op zich nemen in plaats van de uitleeninstellingen die onder de bevoegdheid van die overheden vallen of die lid zijn van die verenigingen.</p> <p>Voor zover dat:</p> <ol style="list-style-type: none"> <li>1. een publieke overheid of een vereniging van uitleeninstellingen de betaling van het bedrag bedoeld in § 1, 1., centraliseert voor rekening van de uitleeninstellingen die zij vertegenwoordigt en;</li> <li>2. de betreffende gemeenschap binnen de voorziene termijn de in artikel 7, § 2, bedoelde aangifte verricht, wordt het verschuldige bedrag krachtens § 1, 1., voor de vertegenwoordigde uitleeninstellingen, verminderd tot 2,5 procent.</li> </ol> <p>Voor zover dat een publieke overheid of een vereniging van uitleeninstellingen:</p> <ol style="list-style-type: none"> <li>1. de betaling van het bedrag bedoeld in § 1, 2., centraliseert voor rekening van de uitleeninstellingen die zij vertegenwoordigt en;</li> <li>2. binnen de voorziene termijn de in artikel 7, § 1, bedoelde aangifte voor rekening van deze instellingen verricht, wordt het verschuldigde bedrag krachtens § 1, 2., voor de vertegenwoordigde uitleeninstellingen verminderd met 2,5 procent.</li> </ol> <p>Voor zover dat:</p> <ol style="list-style-type: none"> <li>1. een publieke overheid of een vereniging van uitleeninstellingen: <ol style="list-style-type: none"> <li>a. de betaling van het bedrag bedoeld in § 1, 1. en 2., centraliseert voor rekening van de uitleeninstellingen die zij vertegenwoordigt;</li> <li>b. binnen de voorziene termijn de in artikel 7, § 1, bedoelde aangifte voor rekening van deze instellingen, verricht, en;</li> </ol> </li> <li>2. de betreffende gemeenschap binnen de voorziene termijn de in artikel 7, § 2, bedoelde aangifte verricht, wordt het verschuldigde bedrag krachtens § 1, 1. en 2., voor de vertegenwoordigde uitleeninstellingen verminderd met 5 procent.</li> </ol>	<p>§ 6 Public authorities and associations of lending institutions may pay all or part of the public lending fees instead of lending institutions under the jurisdiction of those authorities or which are members of those associations.</p> <p>As far as:</p> <ol style="list-style-type: none"> <li>1. a public authority or an association of lending institutions centralizes the payment of the amount referred to in § 1, 1., on behalf of the lending institutions it represents and;</li> <li>2. the community concerned makes the declaration referred to in Article 7, § 2, within the prescribed period, the amount due under § 1, 1., for the lending institutions represented, is reduced to 2.5 percent.</li> </ol> <p>To the extent that a public authority or an association of lending institutions:</p> <ol style="list-style-type: none"> <li>1. centralizes the payment of the amount referred to in § 1, 2. on behalf of the lending institutions it represents and;</li> <li>2. If the declaration referred to in Article 7, § 1, is made on behalf of these institutions within the specified period, the amount due under § 1, 2. for the lending institutions represented will be reduced by 2.5 percent.</li> </ol> <p>As far as:</p> <ol style="list-style-type: none"> <li>1. a public authority or an association of lending institutions: <ol style="list-style-type: none"> <li>a. centralizes the payment of the amount referred to in § 1, 1. and 2. on behalf of the lending institutions it represents;</li> <li>b. makes the declaration referred to in Article 7, § 1, on behalf of these institutions, within the prescribed period, and;</li> </ol> </li> <li>2. the community concerned makes the declaration referred to in Article 7, § 2, within the prescribed period, the amount due pursuant to § 1, 1. and 2. for the lending institutions represented will be reduced by 5 percent.</li> </ol>
<p>§ 7 De federale staat kan de betaling van de vergoedingen voor openbare uitlening</p>	<p>§ 7</p>

<p>geheel of gedeeltelijk op zich nemen in plaats van de uitleeninstellingen die onder zijn bevoegdheid vallen.</p> <p>Voor zover de federale staat:</p> <ol style="list-style-type: none"> <li>1. De betaling van het bedrag bedoeld in § 1, 1., centraliseert voor rekening van alle uitleeninstellingen die onder zijn bevoegdheid vallen, en;</li> <li>2. binnen de voorziene termijn de in artikel 7, § 3, bedoelde aangifte voor rekening van alle instellingen verricht, wordt het verschuldigde bedrag krachtens § 1, 1., voor de betrokken uitleeninstellingen verminderd met 2,5 procent.</li> </ol> <p>Voor zover de federale staat:</p> <ol style="list-style-type: none"> <li>1. de betaling van het bedrag bedoeld in § 1, 2., centraliseert voor rekening van alle uitleeninstellingen die onder zijn bevoegdheid vallen, en;</li> <li>2. binnen de voorziene termijn de in artikel 7, § 1, bedoelde aangifte voor rekening van alle instellingen verricht die onder zijn bevoegdheid vallen, wordt het verschuldigde bedrag krachtens § 1, 2., voor de betrokken uitleeninstellingen verminderd met 2,5 procent.</li> </ol> <p>Voor zover de federale staat:</p> <ol style="list-style-type: none"> <li>1. de betaling van het bedrag bedoeld in § 1, 1. en 2., centraliseert voor rekening van alle uitleeninstellingen die onder zijn bevoegdheid vallen, en;</li> <li>2. binnen de voorziene termijn de in artikel 7, §§ 1 en 3 bedoelde aangifte voor rekening van alle instellingen verricht die onder zijn bevoegdheid vallen, wordt het verschuldigde bedrag krachtens § 1, 1. en 2., voor de betrokken uitleeninstellingen verminderd met 5 procent.</li> </ol>	<p>The federal state may assume full or partial payment of public lending fees instead of the lending institutions under its jurisdiction.</p> <p>As far as the federal state:</p> <ol style="list-style-type: none"> <li>1. the payment of the amount referred to in § 1, 1., is centralized on behalf of all lending institutions under its jurisdiction, and;</li> <li>2. If the declaration referred to in Article 7, § 3, is made on behalf of all institutions within the prescribed period, the amount due under § 1, 1. for the lending institutions concerned will be reduced by 2.5 percent.</li> </ol> <p>As far as the federal state:</p> <ol style="list-style-type: none"> <li>1. centralizes the payment of the amount referred to in § 1, 2., on behalf of all lending institutions under its jurisdiction, and;</li> <li>2. within the prescribed period, the declaration referred to in Article 7, § 1, is made on behalf of all institutions under its jurisdiction, the amount due under § 1, 2. for the lending institutions concerned is reduced by 2.5 percent.</li> </ol> <p>As far as the federal state:</p> <ol style="list-style-type: none"> <li>1. centralizes the payment of the amount referred to in § 1, 1. and 2., on behalf of all lending institutions under its jurisdiction, and;</li> <li>2. within the prescribed period, the declaration referred to in Article 7, §§ 1 and 3 is made on behalf of all institutions under its jurisdiction, the amount due under § 1, 1. and 2. for the lending institutions concerned will be reduced by 5 percent.</li> </ol>
<p>§ 8</p> <p>In afwijking van de voorgaande paragrafen wordt het jaarlijks te betalen bedrag van de vergoeding voor openbare uitlening voor een gemeenschap forfaitair bepaald op 8000 EUR voor elke referentieperiode van 1 januari 2004 tot 31 december 2012 wanneer de uitleenactiviteit van de uitleeninstellingen die onder de bevoegdheid van die gemeenschap vallen 1 procent van het globaal jaarvolume van uitleningen van alle uitleeninstellingen op het Belgisch grondgebied samen niet overschrijdt.</p>	<p>§ 8</p> <p>By way of derogation from the previous paragraphs, the amount of the public lending remuneration to be paid annually for a community shall be fixed at a flat rate of EUR 8000 for each reference period from 1 January 2004 to 31 December 2012 when the lending activity of the lending institutions falling under the jurisdiction of that community does not exceed 1 percent of the global annual lending volume of all lending institutions on Belgian territory.</p>

<p>Voor elk referentieperiode van 1 januari 2013 tot 31 december 2017, wordt dit bedrag als volgt vastgesteld:</p> <table border="0"> <tr> <td>Referentiejaar</td> <td></td> </tr> <tr> <td>2013</td> <td>9,000</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2014</td> <td>10,000</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2015</td> <td>11,000</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2016</td> <td>12,000</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2017</td> <td>13,000</td> </tr> <tr> <td>EUR</td> <td></td> </tr> </table> <p>Teneinde, vanaf de referentieperiode 2018 en voor de volgende referentieperiodes, wordt dit bedrag bepaald op 13.000 EUR. De in deze paragraaf bepaalde bedragen kunnen alleen gecentraliseerd worden betaald door de betreffende gemeenschap, zonder dat hierop een vermindering, op welke grondslag ook, kan toegekend worden.</p>	Referentiejaar		2013	9,000	EUR		2014	10,000	EUR		2015	11,000	EUR		2016	12,000	EUR		2017	13,000	EUR		<p>For each reference period from 1 January 2013 to 31 December 2017, this amount is determined as follows:</p> <p>Reference year:</p> <table border="0"> <tr> <td>2013</td> <td>9,000</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2014</td> <td>10,000</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2015</td> <td>11,000</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2016</td> <td>12,000</td> </tr> <tr> <td>EUR</td> <td></td> </tr> <tr> <td>2017</td> <td>13,000</td> </tr> <tr> <td>EUR</td> <td></td> </tr> </table> <p>In order, from the reference period 2018 and for the following reference periods, this amount is set at EUR 13,000. The amounts determined in this paragraph can only be paid centrally by the community in question, without any reduction being granted on any basis.</p>	2013	9,000	EUR		2014	10,000	EUR		2015	11,000	EUR		2016	12,000	EUR		2017	13,000	EUR	
Referentiejaar																																											
2013	9,000																																										
EUR																																											
2014	10,000																																										
EUR																																											
2015	11,000																																										
EUR																																											
2016	12,000																																										
EUR																																											
2017	13,000																																										
EUR																																											
2013	9,000																																										
EUR																																											
2014	10,000																																										
EUR																																											
2015	11,000																																										
EUR																																											
2016	12,000																																										
EUR																																											
2017	13,000																																										
EUR																																											
<p>§ 9 Het bedrag van de vergoeding voor openbare uitlening kan door de uitleeninstellingen geheel of gedeeltelijk worden verhaald op de leners.</p>	<p>§ 9 The amount of the public lending fee may be recovered in whole or in part from the borrowers by the lending institutions.</p>																																										
<p>Art. 5 Wordt van de verplichting tot betaling van de vergoeding voor openbare uitlening vrijgesteld, de uitlening van werken en prestaties door:</p> <ol style="list-style-type: none"> <li>1. de onderwijsinstellingen die door de publieke overheden daartoe officieel zijn erkend op opgericht;</li> <li>2. de wetenschappelijke onderzoeksinstellingen, die door de publieke overheden daartoe officieel zijn erkend of opgericht;</li> <li>3. de zorginstellingen die door de publieke overheden daartoe officieel zijn erkend of opgericht;</li> <li>4. de officieel erkende instellingen die zijn opgericht ten behoeve van blinden, slechtzienden, doven en slechthorenden.</li> </ol>	<p>Art. 5 Shall be exempt from the obligation to pay the fee for public lending, the lending of works and services by:</p> <ol style="list-style-type: none"> <li>1. the educational institutions that have been officially recognized for this purpose by the public authorities;</li> <li>2. the scientific research institutions that have been officially recognized or established for this purpose by the public authorities;</li> <li>3. the healthcare institutions that have been officially recognized or established for this purpose by the public authorities;</li> <li>4. the officially recognized institutions established for the benefit of the blind, visually impaired, deaf and hearing impaired.</li> </ol>																																										
<p>Art. 6 De vergoeding voor openbare uitlening is verschuldigd op jaarbasis voor elke referentieperiode.</p>	<p>Art. 6 The public lending fee is payable on an annual basis for each reference period.</p>																																										

<p>Art. 7</p> <p>§ 1</p> <p>Onverminderd artikel 15, deelt elke uitleeninstelling haar aangifte aan de beheersvennootschap mee binnen een termijn van tweehonderdtwintig dagen te rekenen vanaf de eerste dag die volgt op de referentieperiode.</p> <p>Deze aangifte heeft betrekking op de verlopen referentieperiode.</p> <p>Zij omvat de volgende inlichtingen:</p> <ol style="list-style-type: none"> <li>1. de inlichtingen die het mogelijk maken de uitleeninstelling te identificeren;</li> <li>2. het aantal vestigingen waarvoor zij een verklaring meedeelt, evenals hun gegevens;</li> <li>3. het aantal uitleningen per uitleeninstelling vastgesteld overeenkomstig artikel 4;</li> <li>4. de identiteit en de contactgegevens van de contactpersoon die voor de beheersvennootschap is aangesteld.</li> </ol> <p>§ 2</p> <p>Het volume van de collecties vastgesteld overeenkomstig artikel 4, wordt door elke gemeenschap aangegeven, voor de uitleeninstellingen die onder haar bevoegdheid vallen, binnen een termijn van tweehonderdtwintig dagen te rekenen vanaf de eerste dag die volgt op de referentieperiode.</p> <p>De aangifte identificeert op geïndividualiseerde basis de collectie voor elke uitleeninstelling die onder de respectieve bevoegdheid van elke gemeenschap valt.</p> <p>§ 3</p> <p>Het volume van de collecties vastgesteld overeenkomstig artikel 4 wordt door de uitleeninstellingen aangegeven die onder de bevoegdheid van de federale staat vallen, binnen een termijn van tweehonderd twintig dagen te rekenen vanaf de eerste dag die volgt op de referentieperiode.</p> <p>§ 4</p> <p>De minister kan de vorm en de inhoud van de in §§ 1 en 2 bedoelde aangiftes bepalen.</p>	<p>Art. 7</p> <p>§ 1</p> <p>Without prejudice to Article 15, each lending institution shall communicate its declaration to the management company within a period of two hundred and twenty days from the first day following the reference period. This declaration relates to the expired reference period.</p> <p>It includes the following information:</p> <ol style="list-style-type: none"> <li>1. the information that makes it possible to identify the lending institution;</li> <li>2. the number of establishments for which it provides a statement, as well as their details;</li> <li>3. the number of loans per lending institution determined in accordance with Article 4;</li> <li>4. the identity and contact details of the contact person appointed for the management company.</li> </ol> <p>§ 2</p> <p>The volume of collections determined in accordance with Article 4 shall be declared by each community, for the lending institutions under its jurisdiction, within a period of two hundred and twenty days from the first day following the reference period. The declaration identifies on an individualized basis the collection for each lending institution under the respective jurisdiction of each community.</p> <p>§ 3</p> <p>The volume of collections determined in accordance with Article 4 shall be declared by the lending institutions under the jurisdiction of the Federal State within a period of two hundred and twenty days from the first day following the reference period.</p> <p>§ 4</p> <p>The minister may determine the form and content of the declarations referred to in §§ 1 and 2.</p>
<p>Art. 8</p> <p>De beheersvennootschap stelt de uitleeninstellingen in kennis van het bedrag van de vergoeding voor openbare uitlening. De kennisgeving vermeldt minstens de volgende inlichtingen:</p> <ol style="list-style-type: none"> <li>1. de referentieperiode;</li> </ol>	<p>Art. 8</p> <p>The management company informs the lending institutions of the amount of the compensation for public lending. The notification shall contain at least the following information:</p> <ol style="list-style-type: none"> <li>1. the reference period;</li> </ol>

<p>2. het bedrag van de vergoeding die voor openbare uitlening verschuldigd is per uitleeninstelling en de berekening ervan.</p>	<p>2. the amount of the compensation due for public lending per lending institution and its calculation.</p>
<p>Art. 9 De publieke overheden en de verenigingen van uitleeninstellingen kunnen beslissen de verplichtingen bepaald in artikel 7, § 1, te vervullen in plaats van de uitleeninstellingen. Wanneer de publieke overheden en/of de verenigingen van uitleeninstellingen gebruik maken van deze mogelijkheid, betalen zij aan de beheersvennootschap, hetzij het bedrag, bepaald in artikel 4, § 1, 2., hetzij het totale bedrag van de vergoeding voor openbare uitlening bepaald in artikel 4, § 1, 1. en 2., verschuldigd voor het geheel van die uitleeninstellingen. In dat geval, doet de beheersvennootschap de kennisgeving, bepaald in artikel 8, aan de publieke overheden en aan de verenigingen van uitleeninstellingen voor wat die uitleeninstellingen betreft</p>	<p>Art. 9 Public authorities and associations of lending institutions may decide to fulfill the obligations set out in Article 7, § 1, instead of lending institutions. When public authorities and/or associations of lending institutions make use of this option, they pay to the management company either the amount specified in Article 4, § 1, 2., or the total amount of the remuneration for public lending determined in Article 4, § 1, 1. and 2., due for all of those lending institutions.  In that case, the management company shall make the notification, as specified in Article 8, to the public authorities and to the associations of lending institutions as far as those lending institutions are concerned.</p>
<p>Art. 10 § 1 De uitleeninstellingen, de gemeenschappen of, indien zij gebruik maken van de mogelijkheid, bepaald in artikel 9, eerste lid, de publieke overheden en de verenigingen van uitleeninstellingen verstrekken aan de beheersvennootschap op haar verzoek de gegevens die nodig zijn voor de inning van de vergoeding voor openbare uitlening.</p> <p>§ 2 De beheersvennootschap doet in het verzoek opgave van:</p> <ol style="list-style-type: none"> <li>1. de rechtsgronden van de aanvraag;</li> <li>2. de gevraagde gegevens;</li> <li>3. de redenen en het doel van het verzoek;</li> <li>4. de termijn binnen welke de gevraagde gegevens moeten worden aangeleverd; deze mag niet minder dan twintig dagen bedragen te rekenen vanaf de ontvangst van het verzoek;</li> <li>5. de sancties, bepaald met toepassing van artikel 80, vijfde lid, van de wet, in het geval dat de toegestane termijn niet zou worden gerespecteerd of in het geval dat onvolledigde of kennelijk onjuiste inlichtingen zouden worden gegeven.</li> </ol> <p>§ 3 De gegevens, verkregen als antwoord op een verzoek, mogen niet voor andere</p>	<p>Art. 10 § 1 The lending institutions, the communities or, if they make use of the option provided for in Article 9, first paragraph, the public authorities and the associations of lending institutions shall, at its request, provide the management company with the information necessary for the collection of the compensation for public lending.</p> <p>§ 2 The management company shall state in the request:</p> <ol style="list-style-type: none"> <li>1. the legal grounds for the application;</li> <li>2. the requested data;</li> <li>3. the reasons and purpose of the request;</li> <li>4. the period within which the requested data must be provided; this may not be less than twenty days from receipt of the request;</li> <li>5. the sanctions, determined in application of Article 80, fifth paragraph, of the law, in the event that the permitted period is not respected or in the event that incomplete or manifestly incorrect information is provided.</li> </ol> <p>§ 3 The data obtained in response to a request may not be used for purposes or for</p>



<p>doeleinden of om andere redenen worden aangewend dan die omschreven in het verzoek.</p> <p>De uitleeninstellingen, de publieke overheden of de verenigingen van uitleeninstellingen, indien deze laatsten gebruik gemaakt hebben van de mogelijkheid bepaald in artikel 9, eerste lid, kunnen op grond van het verzoek om gegevens aan te leveren niet worden verplicht te erkennen dat zij de wet hebben overtreden of daaraan participeerden.</p> <p>De termijn, bepaald in artikel 10, § 2, 4., begint slechts te lopen wanneer het verzoek om inlichtingen aan de bestemming werd betekend bij aangetekende zending met ontgangsbewijs.</p> <p>De Minister kan de inhoud, het aantal en de frequentie van de verzoeken om gegevens, op zodanige wijze bepalen dat de activiteiten van de ondervraagde entiteiten niet meer dan nodig worden gehinderd.</p>	<p>reasons other than those described in the request.</p> <p>Lending institutions, public authorities or associations of lending institutions, if the latter have made use of the option provided for in Article 9, first paragraph, cannot be obliged to acknowledge that they have the law on the basis of the request to provide data. violated or participated in such violations.</p> <p>The period specified in Article 10, § 2, 4. only starts to run when the request for information has been served on the recipient by registered mail with proof of entry.</p> <p>The Minister may determine the content, number and frequency of requests for data in such a way that the activities of the entities questioned are not hindered more than necessary.</p>
<p>Art. 11 § 1</p> <p>De uitleeninstellingen, de gemeenschappen of, indien zij gebruik maken van de mogelijkheid bepaald in artikel 9, eerste lid, de publieke overheden en de verenigingen van uitleeninstellingen verstrekken aan de beheersvennootschap op haar verzoek de gegevens die nodig zijn voor de verdeling van de vergoeding voor openbare uitlening.</p> <p>§ 2</p> <p>De beheersvennootschap doet in het verzoek opgave van:</p> <ol style="list-style-type: none"> <li>1. de rechtsgronden van het verzoek;</li> <li>2. de gevraagde gegevens;</li> <li>3. de redenen en het doel van het verzoek;</li> <li>4. de periode tijdens welke de gegevens moeten worden aangeleverd; deze mag niet meer dan twintig dagen per kalenderjaar bedragen;</li> <li>5. de termijn binnen dewelke de gevraagde gegevens moeten worden verstrekt; deze periode kan niet korter zijn dan twintig dagen vanaf de ontvangst van het verzoek.</li> </ol> <p>§ 3</p> <p>De uitleeninstelling, de gemeenschappen of, de publieke overheden en de verenigingen van uitleeninstellingen indien zij gebruik maken van de mogelijkheid bepaald in artikel 9, eerste lid, kunnen op grond van het verzoek om gegevens aan te leveren niet worden verplicht te erkennen</p>	<p>Art. 11 § 1</p> <p>The lending institutions, the communities or, if they make use of the option provided for in Article 9, first paragraph, the public authorities and the associations of lending institutions shall, at its request, provide the management company with the data necessary for the distribution of the compensation for public lending.</p> <p>§ 2</p> <p>The management company shall state in the request:</p> <ol style="list-style-type: none"> <li>1. the legal grounds for the request;</li> <li>2. the requested data;</li> <li>3. the reasons and purpose of the request;</li> <li>4. the period during which the data must be supplied; this may not exceed twenty days per calendar year;</li> <li>5. the period within which the requested information must be provided; this period cannot be shorter than twenty days from receipt of the request.</li> </ol> <p>§ 3</p> <p>The lending institution, the communities or, the public authorities and the associations of lending institutions if they make use of the option provided for in Article 9, first paragraph, cannot be obliged to acknowledge that they comply with the law</p>

<p>dat zij de wet hebben overtreden of daar aan participeerden. De termijn, bepaald in artikel 11, § 2, 5., begint slechts te lopen wanneer het verzoek om inlichtingen aan de bestemming werd betekend bij aangetekende zending met ontvangstbewijs. § 4 De gegevens verkregen als antwoord op een verzoek mogen niet voor andere doeleinden of om andere redenen worden aangewend dan voor de verdeling van de vergoeding voor openbare uitlening. De Minister kan de inhoud, het aantal en de frequentie van de verzoeken om gegevens, op zodanige wijze bepalen dat de activiteiten van de ondervraagde entiteiten niet meer dan nodig worden gehinderd.</p>	<p>on the basis of the request to provide data. violated or participated in such violations. The period specified in Article 11, § 2, 5. only starts to run when the request for information has been served on the recipient by registered mail with acknowledgment of receipt.  § 4 The data obtained in response to a request may not be used for purposes or reasons other than the distribution of public lending remuneration. The Minister may determine the content, number and frequency of requests for data in such a way that the activities of the entities questioned are not hindered more than necessary.</p>
<p>Art. 12 De artikelen 4, 9, 10, 11 en 15, zijn toepasselijk op een vereniging van uitleeninstellingen op voorwaarde dat de collecties of de uitleningen van deze instellingen minstens 10 procent van de globale collectie of van de globale uitleningen van alle uitleeninstellingen van de gemeenschap waaronder de door de betrokken vereniging vertegenwoordigde instellingen vallen, vertegenwoordigen. De artikelen 4, 9, 10, 11 en 15, zijn toepasselijk op een publieke overheid op voorwaarde dat de collecties of de uitleningen van de uitleeninstellingen die onder deze publieke overheid vallen, minstens 10 procent vertegenwoordigen van de globale collectie of van de globale uitleningen van alle uitleeninstellingen van de gemeenschap die bevoegd is voor de uitleeninstellingen die onder de betrokken publieke overheid vallen. De uitleeninstellingen die onder de bevoegdheid van de federale staat vallen, worden niet door het eerste en tweede lid beoogd.</p>	<p>Art. 12 Articles 4, 9, 10, 11 and 15 apply to an association of lending institutions provided that the collections or loans of these institutions represent at least 10 percent of the global collection or of the global loans of all lending institutions of the community, including the institutions represented by the association concerned.  Articles 4, 9, 10, 11 and 15 apply to a public authority on the condition that the collections or loans of the lending institutions that fall under this public authority represent at least 10 percent of the global collection or of the global loans of all lending institutions of the community competent for lending institutions falling under the public authority concerned. The lending institutions that fall under the jurisdiction of the federal state are not intended by the first and second paragraphs.</p>
<p>Art. 13 De beheersvennootschap maakt elk jaar een verslag op van de inning en de verdeling van de vergoedingen voor openbare uitlening door de beheersvennootschap en door de beheersvennootschappen die zij vertegenwoordigt. De Minister kan de vorm en de inhoud van dit verslag bepalen.</p>	<p>Art. 13 Every year, the management company draws up a report on the collection and distribution of public lending fees by the management company and by the management companies it represents. The Minister can determine the form and content of this report. This report is submitted to the Minister and the communities no later than June 30 of</p>

<p>Dit verslag wordt uiterlijk op 30 juni van elk jaar voorgelegd aan de Minister en de gemeenschappen, en betreft de inningen en verdelingen verricht tijdens het voorgaande kalenderjaar.</p>	<p>each year, and concerns the collections and distributions made during the previous calendar year.</p>
<p>Art. 14 Het koninklijk besluit van 25 april 2004 betreffende de vergoedingsrechten voor openbare uitleening van de auteurs, vertolkende of uitvoerende kunstenaars, producenten van fonogrammen en producenten van eerste vastleggingen van films wordt ingetrokken.</p>	<p>Art. 14 The Royal Decree of 25 April 2004 on the remuneration rights for public lending of authors, interpreters or performers, producers of phonograms and producers of first fixations of films is repealed.</p>
<p>Art. 15 Dit besluit heeft uitwerking met ingang van 1 januari 2004. § 1 In afwijking van de artikelen 4, § 6, en 7 tot 9, en onverminderd de reeds betaalde bedragen voor de referentieperiodes van 1 januari 2004 tot 31 december 2012: 1. Gebeuren de aangiftes die voorzien zijn in artikel 7 voor elke referentieperiode van 1 januari 2004 tot 31 december 2012 centraal door elke gemeenschap voor het geheel van de uitleeninstellingen die onder hun respectievelijk bevoegdheid vallen, en dit overeenkomstig § 2;  2. indien de betalingen voor elke referentieperiode van 1 januari 2004 tot 31 december 2012 niet centraal gebeuren door een gemeenschap voor het geheel van de uitleeningstellingen die onder haar bevoegdheid vallen, gebeuren deze betalingen voor het geheel van de uitleeninstellingen die onder de bevoegdheid van de betreffende gemeenschap vallen volgens een gecoördineerde betalingsprocedure die opgericht is door deze gemeenschap met de andere publieke overheden en de verenigingen van uitleeninstellingen. Een spreiding van de betalingen over 3 jaar kan voorzien worden. Deze spreiding kan met andere publieke overheden gecoördineerd worden.  § 2 Voor elke referentieperiode tussen 1 januari 2004 en 31 december 2009 moeten de betreffende gemeenschappen, voor rekening van de uitleeninstellingen die</p>	<p>Art. 15 This decision takes effect on January 1, 2004. § 1 By way of derogation from Articles 4, § 6, and 7 to 9, and without prejudice to the amounts already paid for the reference periods from 1 January 2004 to 31 December 2012:  1. The declarations provided for in Article 7 for each reference period from January 1, 2004 to December 31, 2012 are made centrally by each community for all the lending institutions under their respective jurisdiction, in accordance with § 2;  2. if payments for each reference period from January 1, 2004 to December 31, 2012 are not made centrally by a community for all the lending institutions under its jurisdiction, these payments are made for all the lending institutions under the jurisdiction of the relevant community are subject to a coordinated payment procedure established by this community with other public authorities and lending institutions' associations. A spread of payments over 3 years can be provided. This distribution can be coordinated with other public authorities.  § 2 For each reference period between January 1, 2004 and December 31, 2009, the communities concerned must, on behalf of</p>

<p>onder hun bevoegdheid vallen, bij aangetekende zending met ontvangstbewijs, een gecentraliseerde aangifte aan de beheersvennootschap zenden, zowel op het stuk van de collecties als van de uitleningen, binnen een termijn van tweehonderdtwintig dagen te rekenen vanaf de publicatie van dit besluit in het Belgisch Staatsblad.</p> <p>Voor elke referentieperiode tussen 1 januari 2010 en 31 december 2011 moeten de betreffende gemeenschappen, voor rekening van de uitleeninstellingen die onder hun bevoegdheid vallen, bij aangetekende zending met ontvangstbewijs, een gecentraliseerde aangifte aan de beheersvennootschap zenden, zowel op het stuk van de collecties als van de uitleningen, binnen een termijn van tachtig dagen te rekenen vanaf de publicatie van dit besluit in het Belgisch Staatsblad.</p> <p>Voor de referentieperiode tussen 1 januari en 31 december 2012 moeten de betreffende gemeenschappen, voor rekening van de uitleeninstellingen die onder hun bevoegdheid vallen, bij aangetekende zending met ontvangstbewijs een gecentraliseerde aangifte aan de beheersvennootschap zenden, zowel op het stuk van de collecties als van de uitleningen, binnen een termijn van tweehonderdtwintig dagen te rekenen vanaf de eerste dag die volgt op die referentieperiode.</p> <p>§ 3</p> <p>De door de betreffende gemeenschappen te betalen vergoedingen, vastgesteld met toepassing van dit besluit wat de collecties en uitleningen betreft, worden omwille van de gecentraliseerde aangifte en betaling door die gemeenschappen, forfaitair verminderd met 5 procent voor de betreffende periodes, onverminderd artikel 4, § 6.</p>	<p>the lending institutions under their jurisdiction, send a centralized declaration to the management company by registered post with acknowledgment of receipt, both regarding the collections and the loans, within a period of two hundred and twenty days from the publication of this decision in the Belgian Official Gazette.</p> <p>For each reference period between January 1, 2010 and December 31, 2011, the communities concerned must, on behalf of the lending institutions under their jurisdiction, send a centralized declaration to the management company by registered post with acknowledgment of receipt, both regarding the collections and the loans, within a period of eighty days from the publication of this decision in the Belgian Official Gazette.</p> <p>For the reference period between January 1 and December 31, 2012, the communities concerned must, on behalf of the lending institutions under their jurisdiction, send a centralized declaration to the management company by registered mail with acknowledgment of receipt, both in terms of collections and loans. , within a period of two hundred and twenty days from the first day following that reference period.</p> <p>§ 3</p> <p>The fees to be paid by the communities concerned, determined in application of this Decree with regard to collections and loans, will be reduced by 5 percent for the periods concerned due to the centralized declaration and payment by those communities, without prejudice to Article 4, § 6 .</p>
<p>Art. 16</p> <p>Twee jaar na de bekendmaking van dit besluit in het Belgisch Staatsblad, en vervolgens om de vier jaar, publiceert de Minister een verslag in het Belgisch Staatsblad over de toepassing van dit besluit.</p>	<p>Art. 16</p> <p>Two years after the publication of this decision in the Belgian Official Gazette, and every four years thereafter, the Minister will publish a report in the Belgian Official Gazette on the application of this decision.</p>
<p>Art. 17</p>	<p>Art. 17</p>

De minister bevoegd voor het auteursrecht, is belast met de uitvoering van dit besluit.	The minister responsible for copyright is responsible for the implementation of this decision
---	---

## 20 DISTRIBUTION RULES

- 70% of the public lending right fees go to authors and 30% to publishers.
- Distribution details depend on the responsible CMO - no data available of individual loans is transferred. Criteria used include number of works, number of pages, type of work and turnover for publishers. Flat fees are possible.
- The share of the compensation for the lending right that accrues to the rights holders of sound and audiovisual works is currently estimated at 16.5%.
- Auvibel always divides a third among: the performing artists, the authors, and the producers.

PlayRight is the society for the collective management of neighbouring rights for performing artists in Belgium.<sup>27</sup>

---

<sup>27</sup> <https://playright.be/hoe-worden-mijn-rechten-voor-een-audiovisuele-prestatie-berekend/>

## 21 COUNTRY REPORT CANADA

### 22 ADDITIONAL SYSTEM INFORMATION

- The Scheme was set up in 1986 but with no statutory basis. It is governed by the Canada Council of Arts and organized by the Public Lending Right Commission made up of writers, translators, librarians and publishers. The Commission also includes non-voting representatives from the Department of Canadian Heritage, the Canada Council for the Arts, Library and Archives Canada, and Bibliothèque et Archives nationales du Québec.<sup>28</sup>
- Over 18,000 Canadian authors are compensated annually from the Public Lending Right through direct payments ranging from \$50 to \$4,500 a year.<sup>29</sup> With the aim to support national writers and providing help to Canadian authors also writing in other languages than English<sup>30</sup>, eligibility is restricted to Canadian citizens or permanent residents, it includes writers, editors with original written contributions, translators, photographers, illustrators or narrators.<sup>31</sup> Eligible work includes original writing, translation, illustration, narration and photography contained in library books across a range of literary and scholarly genres.
- Remuneration is paid for print and e-books published in the last five years (i.e.: from January 1, 2019 to May 1, 2024) with a new 13-digit ISBN. Books must be at least 48 pages long (24 for a children's book), also for audiobooks published in physical media format (CD) or digital download (MP3) in the last five years (i.e.: from January 1, 2019 to May 1, 2024) with a new 13-digit ISBN.<sup>32</sup>
- Eligibility and distribution information in the following from website information of the Canada Council of Arts.<sup>33</sup>

Genres included: Fiction, Poetry, Drama, Children's literature, Non-fiction, Scholarly work (with a broad interpretation of such works if present in public libraries).

Genres excluded:

- o Practical books — Cookbooks, self-help, "how-to" guides, travel guides, manuals, reference works, professional guide such as legal, technical, medical, scientific, pedagogical, accounting or financial guide etc.
- o Educational books — textbooks, books resulting from a conference, seminar or symposium, book resulting from a conference, seminar or symposium; book designed primarily for an educational market;
- o Periodicals — Newspapers, magazines
- o As a new title: a second or subsequent edition of an eligible book, unless at least 50% of this edition constitutes completely new text, not revised text;
- o a list of any kind or short segments of information are brought together in a list format (directory, index, compilation, bibliography, dictionary, atlas, encyclopaedia, genealogy, etc.);
- o the catalogue of an exhibition;
- o Unpublished work (e.g. thesis, manuscript);
- o DVD or podcast;
- o Report, survey or program evaluation;
- o Title prepared for or published by a governmental or paragonovernmental organization, institution or corporation;
- o Wholly or mainly a musical score;
- o Calendar, agenda, colouring book, quiz book or game;
- o Book created for your employer in the course of your employment;
- o Machine narrated audiobook;
- o Digital bundle of previously published books.

<sup>28</sup> <https://canadacouncil.ca/funding/public-lending-right>

<sup>29</sup> <https://canadacouncil.ca/funding/public-lending-right>

<sup>30</sup> Interview information kindly given by Peter Schneider, Canada Council of Arts on January 19, 2024.

<sup>31</sup> <https://publiclendingright.ca/eligibility>

<sup>32</sup> <https://publiclendingright.ca/eligibility>

<sup>33</sup> <https://canadacouncil.ca/funding/public-lending-right>

- There can be no more than six contributors to the book (this excludes editors and translators, but includes illustrators, photographers, and narrators). Contributions to the book comprise at least 10% of the length of the book, name must be on the title page or copyright page.
- Writers: sole creators of a book may claim the whole PLR payment. If the book is an adaptation, the writer may claim 50%. If the book has been translated, or is available in audio format, the writer may claim up to 50% for each translated or narrated version. Each translated version must be registered separately. Co-authors' share is calculated according to the size of the contribution.
- Illustrators and photographers may claim a percentage of the PLR payment. The percentage will depend on the space the photos or illustrations take up in the book. For children's picture books (24-32 pages), you may claim 50% of the payment (33% if a translator also worked on the project.)
- Translators may claim up to 50% of the total PLR payment for most titles, for illustrated children's books (24-32 pages) and for translated audiobooks 33%. If more than one translator is involved, they must divide the percentage share among them.
- Editors must have contributed original written work which amounts to at least 10% of the book's text. This can be a preface, an afterword, notes on the text or another written contribution in the body of the book. The work must be identified as theirs in the table of contents. Notes on the contributors, indices, timelines, glossaries, bibliographies or tables of contents do not count. The name must be on the title page or copyright page.

## 23 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- Inclusion of e-books in 2016. E-book must be printed or published within last five years and have registered ISBN.<sup>34</sup>
- Inclusion of digital audiobooks in 2019.<sup>35</sup>
- Current discussion about inclusion of cultural knowledge libraries to include also indigenous culture and language collections.<sup>36</sup>

## 24 BEST PRACTICES IN THE COUNTRY

- Covers also e-books and digital audio books
- Broad consensus between authors, publishers and libraries
- Source of funding apart from libraries' operating budget
- ISBN based work identification

## 25 MAIN RESOURCES FOR FURTHER RESEARCH

<https://canadacouncil.ca/funding/public-lending-right>

## 26 LEGAL BASIS

No underlying legislation.

## 27 DISTRIBUTION RULES

Please see above.

---

<sup>34</sup> Interview information by Peter Schneider, Canada Council of Arts on January 19, 2024.

<sup>35</sup> Interview information by Peter Schneider, Canada Council of Arts on January 19, 2024.

<sup>36</sup> Interview information by Peter Schneider, Canada Council of Arts on January 19, 2024.

## 28 COUNTRY REPORT CROATIA

### 29 ADDITIONAL SYSTEM INFORMATION

- In 2003, based on EU Directive 91/100/EEC on Lending and Rental Right from 1992, the Croatian Copyright and Related Rights Act of 1 October 2003 introduced PLR.
- The Croatian Copyright Act deems the Right of Lending to be exhausted by the first sale but exempts the PLR from exhaustion.
- The Croatian Writers' Association has two agreements with the library side, regulating the remuneration and another one concerning the expenses for the system.
- The Ministry of Culture of the Republic of Croatia and the municipal, national and academic/university libraries developed a joint system of data collection about PLR.
- As to Article 33(3)(2) of the Croatian Copyright Act, interlibrary loan is not subject to PLR.
- PLR covers public libraries.
- The Ministry of Culture of the Republic of Croatia, the National and the university library in Zagreb, 6 main public libraries and the Society of Croatian Writers represented by an authorized agency organize the loan data collection and its transfer.<sup>37</sup>
- The Society of Croatian Writers DRUŠTVO HRVATSKIH KNJIŽEVNIKA administers the PLR system on the distribution side.
- Eligible recipients include Croatian author(s) of the text, illustrators and translators.
- Materials covered:
  - o original Croatian publications
  - o publications translated into Croatian
  - o works of artists and photographers published within the original Croatian borders
  - o works within 70 years from the year of publication
- In 2022 a total sum of HRK 2,000,000 = 286.950,94 US-Dollar was paid, a total of 5% of the funds are allocated based on the expenses of the DHK.
- 7.5% (150,000 HRK= 21.523,956 US-Dollar) are given to a fund for encouraging appropriate artistic and cultural creation of a predominantly non-commercial nature and cultural diversity in the appropriate artistic and cultural area (the so-called "fund for culture").

### 30 LEGAL PROVISION IN NATIONAL LAW

#### Croatia Copyright Act

Original Wording	Translation <sup>38</sup>
	DISTRIBUTION AND RENTAL Article 20 (1) The right of distribution shall be the exclusive right to put into circulation the original or copies of the work by sale or otherwise, and to offer them to the public for such purpose.

<sup>37</sup> <https://hrcak.srce.hr/clanak/211859>

<sup>38</sup> [https://www.dziv.hr/files/File/eng/zakon\\_autor\\_ENG.pdf](https://www.dziv.hr/files/File/eng/zakon_autor_ENG.pdf)



	<p>(2) The first sale of the original or copies of the work or other form of transfer of ownership, by the author or with his consent, in the territory of the Republic of Croatia shall exhaust the right of distribution in respect of such original and such copies respectively, for the territory of the Republic of Croatia. The exhaustion of the distribution right shall not cause the right of rental of a copyright work to expire, the right of the author to authorize or prohibit the export to or the import from a certain country of the original or copies of the work, and the right to remuneration for public lending of the work under Article 33 of this Act. In respect of collections, the exhaustion of the distribution right shall refer only to further sale.</p> <p>(3) The rental, under this Act, shall mean the making available for use of the original or copies of the work, for a limited period of time, and for direct or indirect economic or commercial benefit.</p> <p>(4) The right of rental of a copyright work, under this Act, shall not apply to already made architectural works and works of applied art.</p> <p>(5) The author who has given up his right of rental in favour of a producer of phonograms or of a film producer, or to any other person shall retain the right to receive equitable remuneration for the rental of his copyright work. The author may not renounce the right to the equitable remuneration. The remuneration for rental shall be paid by the person renting the copyright work.</p>
	<p>Article 33</p> <p>(1) The author shall have the right to equitable remuneration where the original or copies of his work of which further distribution is admissible, have been lent through public libraries.</p> <p>(2) The lending, under this Act, shall mean making available for use for a limited period of time and without direct or indirect economic or commercial benefit.</p>

	<p>(3) Provisions referred to in paragraphs (1) and (2) of this Article shall not apply to:</p> <ol style="list-style-type: none"><li>1) buildings and works of applied art;</li><li>2) works that are mutually lent by institutions referred to in paragraph (1) of this Article.</li></ol> <p>(4) The author may not renounce the right referred to in paragraph (1) of this Article.</p> <p>(5) By way of derogation from the provision of paragraph (1) of this Article, authors of databases shall have the exclusive right of public lending of the originals or copies of their databases.</p>
--	---

Agreement on Terms of Establishing the Compensation Fee for Public Loan for the Authors

Agreement on the Terms and Mode of Paying the Expenses of Maintaining the System of Public Lending Right

### 31 COUNTRY REPORT CYPRUS

#### 32 ADDITIONAL SYSTEM INFORMATION

- As to Cypriot Law, the lending right is no limitation, but an exclusive right. However, all libraries may apply to the Minister of Culture and by issue of a decree the relevant library will be excluded from this rule, in these cases, PLR remuneration is payable by the libraries. Before, only small grants to authors' societies were granted for public lending.<sup>39</sup>
- The libraries pay an individual low remuneration.
- For 2021 / 2022, there has not been a payment yet.
- OSDEL, the CMO in Greece also administers the PLR system in Cyprus.

#### 33 LEGAL PROVISION IN NATIONAL LAW

Cyprus Copyright Act Cypriot Copyright Law (59/1976 as amended).

Original Wording	Translation <sup>40</sup>
	<p>Nature of copyright in literary, musical or artistic works and cinematograph films 7.— (1) Copyright in a scientific, literary, musical or artistic work or a cinematograph film or photograph shall consist in the exclusive right to control the doing in the Republic of any of the following acts: the reproduction in any form, sale, rental, distribution, lending, advertising, exhibiting in public, the communication to the public, the broadcasting, the translation, adaptation and any other arrangement, of the whole work or a substantial part thereof: Provided that copyright in any such work shall not include the right to control—</p> <ul style="list-style-type: none"> <li>(a) the doing of any of the aforesaid acts by way of fair dealing for purposes of research, private use, criticism or review, or the reporting of current events, on condition that, if such use is made in public, it shall be accompanied by an acknowledgement of the title of the work and its authorship, except where the work is incidentally included in a broadcast;</li> <li>(b) the inclusion in a cinematograph film or broadcast of any artistic work situated in a place where it may be viewed by the public;</li> <li>(c) the reproduction and distribution of copies of any artistic work permanently</li> </ul>

<sup>39</sup> Information given in interview by George Zannos, OSDEL on January 22, 2024.

<sup>40</sup> <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/cy/cy001en.pdf>

	<p>situated in a place where it may be viewed by the public;</p> <ul style="list-style-type: none"><li>(d) the incidental inclusion of an artistic work in a cinematograph film or broadcast;</li><li>(e) the inclusion of a work in a broadcast, communication to the public, sound recording, cinematograph film or collection of works, if such inclusion is made by way of illustration for teaching purposes and is compatible with fair practice and provided that mention is made of the source and of the name of the author which appears on the work thus used;</li><li>(f) the quotation of passages from published works if they are compatible with fair practice and their extent does not exceed that justified by the purpose, including extracts from newspaper articles and magazines in the form of press summaries, provided that mention is made of the source and of the name of the author which appears on the work thus used;</li><li>(g) the reproduction by the press and the inclusion in a broadcast or a communication to the public of articles published in newspapers or magazines on current economic, political or religious topics, if such reproduction or inclusion has not been expressly reserved and provided that the source is clearly indicated;</li><li>(h) the making of a sound recording of a literary or musical work, as well as the reproduction of such sound recording by the maker or under licence granted by him, provided that the copies thereof are intended for retail sale in the Republic and that such work has already been previously recorded, whether in the Republic or abroad, under licence from the owner of the relevant part of the copyright, subject to such conditions and on payment of such reasonable compensation as the Minister may prescribe;</li><li>(i) the reading or recitation in public or in a broadcast by one person of any reasonable extract from a published literary work if accompanied by a sufficient acknowledgement;</li><li>(j) any use made of a work by such public libraries, non-commercial collection and documentation centres and scientific institutions as may be prescribed, where such use is in the public interest, no revenue is derived there from and no admission fee is charged for the</li></ul>
--	---

	<p>communication, if any, to the public of the work thus used;</p> <p>(k) the reproduction of a work by or under the direction or control of a broadcasting authority where such reproduction or any copies thereof are intended exclusively for a lawful broadcast and are destroyed before the end of the period of six calendar months following immediately after making of the reproduction or such longer periods as may be agreed between the broadcasting authority and the owner of the relevant part of the copyright in the work: Provided that any reproduction of a work made under this paragraph may, if it constitutes an exceptional portrayal or recording of objective facts, (documentary) be preserved in the archives of the broadcasting authority, which are hereby designated official archives for the purpose, but, nevertheless subject to the provisions of this Law, shall not be used for broadcasting or for any other purpose without the consent of the owner of the relevant part of the copyright in the work;</p> <p>(l) the broadcasting of a published work with which no licensing body referred to under section 15 is concerned, subject to the condition that, saving the provisions of this section, the owner of the broadcasting right in the work receives a fair compensation determined, in the absence of agreement, by the competent authority appointed under section 15;</p> <p>(m) any use made of a work for the purpose of a judicial proceeding or of any report of any such proceeding;</p> <p>(n) the reproduction by the press, the broadcasting and the communication to the public of lectures, addresses and other works of the same nature which are delivered in public, if such use is justified by its informatory purpose. 2) The use of a work under the provisions of paragraphs (a), (e), (f), (g), (i), (j), (m) and (n) of the proviso to subsection (1) includes the use thereof in any of the languages in general use in the Republic.</p> <p>(3) Copyright in a work of architecture shall also include the exclusive right to control the erection of any building which reproduces the whole or a substantial part of the work either in its original form or in</p>
--	---

	<p>any form recognizably derived from the original: Provided that the copyright in any such work shall not include the right to control the reconstruction in the same style as the original of a building to which that copyright relates.</p> <p>(4) Copyright in a scientific, literary, musical or artistic work, in a cinematograph film or photograph includes the right of the author, during his lifetime, to claim authorship of the work and to object to any distortion, mutilation or other alteration thereof which would be prejudicial to his honour or reputation: Provided that an author who authorizes the use of his work in a cinematograph film or a television broadcast may not oppose modifications which are absolutely required on technical grounds or for the purpose of commercial exploitation of the work.</p> <p>[Amended by the Law No. 18(I)/1993]</p>
--	---

## 34 COUNTRY REPORT CZECH REPUBLIC

### 34.1 Additional System Information

- The loan-based system was established in 2006.<sup>41</sup>
- The PLR fees are paid according to Sec 37(1) Copyright Act and cover the lending uses of libraries, archives, museums, galleries, schools, universities and other not-for-profit schooling and educational institutions.
- Payments are made by the State via the National Library of the Czech Republic once per year.<sup>42</sup> Gross Collection in 2022: CZK 8,155,582.50 (equaling 3,578 Mio. USD).<sup>43</sup>
- Collections are shared between Publishers and Authors with a rate of 25/75.<sup>44</sup>
- Sample of selected libraries for assessment of loans is under critic for being not representative enough, it includes 35 libraries out of about 5,700 libraries.

### 34.2 Recent developments in the country (i.e., ongoing legislation)

- Recent legislation included also State and Parliament Libraries as well as the National Library in the collection of PLR.<sup>45</sup>

### 34.3 Best practices in the country

- Transparent reporting by the CMO DILIA about the distribution of PLR funds.
- Active Authors Organisation Asociace Spisovatelů  
<https://asociacespisovatelů.cz/kontakt/>

### 34.4 Main resources for further research

- <https://asociacespisovatelů.cz>
- <https://www.dilia.eu/>

### 34.5 Legal Basis

Czech Copyright Act<sup>46</sup>

Article 37<sup>47</sup>  
Library License

(1) Copyright is not infringed by a library, archive, museum, gallery, school, university and other nonprofit school-related and educational establishment:

a) if it makes a reproduction of a work for its own archiving and conservation purposes, and if such a reproduction does not serve any direct or indirect economic or commercial purpose;

<sup>41</sup> Czech Copyright Act <https://www.zakonyprolidi.cz/cs/2000-121#>

<sup>42</sup> <https://www.dilia.eu/media/k2/attachments/Vyrocní-zpráva-2022-EN-04-PODANI.pdf>

<sup>43</sup> <https://www.dilia.eu/media/k2/attachments/Vyrocní-zpráva-2022-EN-04-PODANI.pdf>

<sup>44</sup> Information by Ondřej Lipár, Asociace Spisovatelů, Prag (Interview on January 16, 2024).

<sup>45</sup> Information by Ondřej Lipár, Asociace Spisovatelů, Prag (Interview on January 16, 2024).

<sup>46</sup> In Czech language published under <https://www.zakonyprolidi.cz/cs/2000-121#>

<sup>47</sup> English Translation from <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/cz/cz029en.pdf>

b) if it makes a reproduction of a work whose reproduction has been damaged or lost, provided that it is possible to verify with the exertion of reasonable effort that it is not being offered for sale, or a print reproduction of a minor part of the work, if such part has been damaged or lost; it may also lend such a lawfully made reproduction in accordance with Paragraph (2) below;

c) if it makes available a work, including the making of a reproduction needed for such availability, which constitutes a part of its collections and the use thereof is not subject to purchase or licensing terms, except the communication of the work in the way specified in Article 18 (2), to members of the public by dedicated terminals located on its premises, such a work being so made available exclusively for the purposes of research or private study of such members of the public, provided that such members of the public are prevented from making reproductions of the work; this is without prejudice to the provisions of Article 30a (1) (c) and (d);

d) if it lends the originals or reproductions of defended degree theses, dissertations, doctoral and post-doctoral theses to on -the-spot reference use, provided that it shall do so exclusively for the purposes of research or private study, and also provided that the author did not exclude such use.

(2) Copyright is not infringed by a person referred to in Paragraph (1) above where such a person lends the originals or reproductions of published works, if the remuneration that is due to the authors from the person indicated in the Annex to this Act is paid in the amount also indicated in that Annex. The author shall not be entitled to the remuneration if the published works are lent hereunder to on-the –spot reference user if the originals or reproductions of the published works are lent by school and university libraries, the National Library of the Czech Republic, the Moravian Land Library in Brno, the State Technical Library, National Medical Library, the Comenius National Pedagogical Library, Library of the Institute of Agricultural and Food Information, Library of the National Film Archive and the Library of the Parliament of the Czech Republic.

(3) Provisions of Paragraph (2) above shall not apply to the reproductions of works recorded in audio or audiovisual form, unless such works are lent to on-the-spot reference use. The person referred to in Paragraph (1) shall in such a case of lending prevent the possibility of making reproductions of the lent work fixed in audio or audiovisual fixation.

(4) Copyright is not infringed by a person referred to in Paragraph (1) above who, for the purpose of offering to lend and make available the content of its collections, uses a reproduction of a work or any part of it that was contained on the envelope, also possibly including indication of the thematic content of the work in the catalogue of the collections; such a catalogue of collections may also be made available to the public, provided that the possibility of making reproductions of the work is prevented, where such a reproduction might be used for direct or indirect economic or commercial advantage. The person referred to in Paragraph 1 above shall always indicate in the collection catalogue the name of the author, if possible, unless the work is an anonymous work, or the name of the person under whose name the work is being introduced in public.



(5) The person referred to in Paragraph 1 above shall upon request, if such a request may fairly be posed, submit information on the number of loans to the relevant collective rights manager, as well as the information the collective rights manager may need to be able to allocate the remuneration, and shall always do so in a summarized manner for the entire year not later than by the end of the subsequent calendar month.

Annex to Act No. 121/2000 Coll

9. For the persons referred to in Article 37 Paragraph 1, the remuneration under Article 37 Paragraph 2 shall be paid by the government once annually to the relevant collective rights manager.

10. Remuneration for lending shall be CZK 0.50 for one loan

Act No. 257/2001 Coll., on Libraries and on the Conditions of the Provision of Library and Information Services (the Library Act), as amended

### 34.6 Distribution Rules

#### DILIA Distribution Plan<sup>48</sup>

##### 5.5. Royalties collected for lending of the original or a copy of published works

These royalties are paid on behalf of required entities named in § 37 para. 1 of the CA (libraries, archives, museums, galleries, schools, colleges, and other non-profit educational and training facilities) once per year by the state; the amount of the royalties is specified in Annex No. 1 of the CA (Royalty rate sheet). Remuneration is allocated for lending of works of authorship pursuant to Article 2.2. item f) of the distribution rules.

For the basic distribution of royalties among the individual groups of copyright holders, it is essential to respect the provisions of § 99e para. 3 of the CA with the following content:

- 75 % is allocated to authors of published works, including scientific and cartographic works;
- 25% is allocated to authors of works of graphic art (settled by OOA-S).

75% of royalties for authors of literary works including scientific and cartographic works are distributed by DILIA in the following manner:

- 70% of the addressed royalties, as identifiable royalties according to point 4.4.1. item b), by the process described below

The basis for distributing identifiable royalties is the registry of works and the reports of libraries on circulation statistics.

When settling these royalties, in addition to the report of libraries on circulation statistics and the point assessment of the work /BHD/ according to Annex No. 2 of these distribution rules, the following shall also be taken into account:

#### COEFFICIENT FOR SHARE OF THE WORK /KPD/

(Unless agreed between the co-authors otherwise, the work is divided between them into equal shares, whereas the principle shall apply that the sum of the shares for co-authorship cannot be greater than 1)

<sup>48</sup> [https://www.dilia.eu/component/k2/item/download/284\\_bf6e36c5f29e3d5622a9cc17e47f5aeb](https://www.dilia.eu/component/k2/item/download/284_bf6e36c5f29e3d5622a9cc17e47f5aeb)

QUANTITATIVE COEFFICIENT /T/

textual works per 1 page (including title page)	0.01
work of cartography, 1 map	0.01

In the event that the scope of the book cannot be determined, it shall be assumed that the work was 100 pages in scope. In the event that the author does not report the number of pages of the article, review, content, or epilogue, it shall be assumed to consist of 1 page.  
VALUE OF USE OF THE WORK /HUD/ = BHD x KPD x KZU x T

- the remaining 30% of non-addressed royalties, as unidentifiable royalties, in the manner stated in point 5.2.1.

### 35 COUNTRY REPORT DENMARK

#### 36 ADDITIONAL SYSTEM INFORMATION

- The PLR scheme was to be considered part of the Danish State's cultural promotion measures has existed since 1946, and in 2018 Denmark was the first country in the world to pay PLR for e-books and net audio books.<sup>49</sup> The Commission found the Danish PLR in compliance with the Rental and Lending Directive.<sup>50</sup>
- The scheme must be seen in connection with the exhaustion rules of the Copyright Act, according to which it is permitted to distribute copies of published literary and musical works to the general public through lending, including through public libraries.
- The Parliament each year allocates a grant in the budget for a public lending right remuneration, which is to be distributed as support to authors, translators, and others whose books are used in libraries.
- The system is governed by the Danish Agency for Culture and Palaces, a government organization.
- PLR is paid for books, e-books, net audio books, music and visual art available in the countries' public libraries.
- The Danish PLR scheme supports Danish language and literature, therefore eligible books, e-books and net audiobooks have to be in Danish language, unless it is a translation or a reproduction, paraphrase or adaptation of foreign language books
- Eligible are authors, translators and illustrators and other visual artists, photographers, and composers, whose works are published independently in Denmark or are included in books, of which the author is entitled to PLR. Other contributors to such books are entitled to 2/3 of ordinary remuneration if their contributions are of major value. Translators and others, who make reproductions, paraphrases or adaptations of foreign language books into Danish, receive one third of ordinary remuneration.
- After the death of an entitled person, a surviving spouse receives half of the remuneration for lifetime.
- For books, approximately DKK 180 million is paid. The number of recipients registered in the PLR scheme in April 2019: 27,108. Recipients of grants for books in 2019: 10,504. Total amount paid on 12 April 2019: DKK 181.1 million.
- Grants for music, net audio books and e-audio books: Paid to the artists (musicians, composers, soloists, directors, etc.) and readers of audio books. More than DKK 6 million are available in the payment fund.
- Grants for visual art: Paid for original art, graphics and photographs that can be borrowed from the country's libraries. Nearly DKK 190,000 are available in the payment fund.

#### 37 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- With the introduction of e-lending remuneration, for the first four years, the government paid a fixed sum. From 2022 distribution was to be made dynamically based on the lending figures.

---

<sup>49</sup> <https://slks.dk/english/work-areas/libraries-and-literature/public-lending-right>

<sup>50</sup> <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A52002DC0502%3AEN%3AHTML>

### 38 BEST PRACTICES IN THE COUNTRY

- A very comprehensive scheme covering also digital uses.
- Unique legal construction under European legal framework.

### 39 RESOURCES FOR FURTHER RESEARCH

<https://slks.dk/english/work-areas/libraries-and-literature/public-lending-right>

<https://slks.dk/tilskud/soeg-puljer/bibliotekspenge> (in Danish language)

### 40 LEGAL PROVISION IN NATIONAL LAW

#### Danish Copyright Act

Original Wording <sup>51</sup>	Translation <sup>52</sup>
<p>Beskyttelsens indhold</p> <p>§ 2. Ophavsretten medfører, med de i denne lov angivne indskrænkninger, eneret til at råde over værket ved at fremstille eksemplarer af det og ved at gøre det tilgængeligt for almenheden i oprindelig eller ændret skikkelse, i oversættelse, omarbejdelse i anden litteratur- eller kunstart eller i anden teknik.</p> <p>Stk. 2. Som eksemplar fremstilling anses enhver direkte eller indirekte, midlertidig eller permanent og hel eller delvis eksemplar fremstilling på en hvilken som helst måde og i en hvilken som helst form. Som fremstilling af eksemplarer anses også det forhold, at værket overføres på indretninger, som kan gengive det.</p> <p>Stk. 3. Værket gøres tilgængeligt for almenheden, når</p> <ol style="list-style-type: none"> <li>1) eksemplarer af værket udbydes til salg, udlejning eller udlån eller på anden måde spredes til almenheden,</li> <li>2) eksemplarer af værket vises offentligt, eller</li> <li>3) værket fremføres offentligt.</li> </ol> <p>Stk. 4. Som offentlig fremførelse efter stk. 3, nr. 3, anses også</p> <ol style="list-style-type: none"> <li>1) trådbunden eller trådløs overføring af værker til almenheden, herunder udsendelse i radio eller fjernsyn og tilrådighedsstillelse af værker på en sådan måde, at almenheden får adgang til dem på et individuelt valgt sted og tidspunkt, og</li> <li>2) fremførelse i en erhvervs virksomhed, der finder sted for en større kreds, som ellers måtte anses som ikke-offentlig.</li> </ol>	<p>Scope of Protection</p> <p>§2 Within the limitations specified in this Act copyright implies the exclusive right to control the work by reproducing it and by making it available to the public, whether in the original or in an amended form, in translation, adaptation into another literary or artistic form or into another technique.</p> <p>(2) Any direct or indirect, temporary or permanent reproduction, in whole or in part, by any means and in any form, shall be considered as reproduction. The recording of the work on devices which can reproduce it, shall also be considered as a reproduction.</p> <p>(3) The work is made available to the public if</p> <ol style="list-style-type: none"> <li>(i) copies of the work are offered for sale, rental or lending or distribution to the public in some other manner;</li> <li>(ii) copies are exhibited in public; or</li> <li>(iii) the work is performed in public.</li> </ol> <p>(4) Public performance within the meaning of subsection (3)(iii) shall include</p> <ol style="list-style-type: none"> <li>i) communication to the public of works, by wire or wireless means, including broadcasting by radio or television and the making available to the public of works in such a way that members of the public may access them from a place and at a time individually chosen by them; and</li> <li>ii) performance at a place of business before a large group, which would otherwise have been considered not public.</li> </ol>

<sup>51</sup> <https://www.wipo.int/wipolex/en/text/545061>

<sup>52</sup> <https://www.wipo.int/wipolex/en/text/546839>

	<p><b>3.–</b> (1) The author of a work shall have the right to be identified by name as the author in accordance with the requirements of proper usage, on copies of the work as well as if the work is made available to the public. (2) The work must not be altered nor made available to the public in a manner or in a context which is prejudicial to the author's literary or artistic reputation or individuality. (3) The right of the author under this section cannot be waived except in respect of a use of the work which is limited in nature and extent.</p>
<p>Spredning af eksemplarer § 19. Når et eksemplar af et værk med ophavsmandens samtykke er solgt eller på anden måde overdraget til andre inden for Det Europæiske Økonomiske Samarbejdsområde, må eksemplaret spredes videre. Når det gælder viderespredning i form af udlån eller udlejning, finder bestemmelsen i 1. pkt. også anvendelse ved salg eller anden form for overdragelse til andre uden for Det Europæiske Økonomiske Samarbejdsområde.</p> <p>Stk. 2. Uanset bestemmelsen i stk. 1 er det ikke tilladt uden ophavsmandens samtykke til almenheden at sprede eksemplarer af værker gennem udlejning. Dette gælder dog ikke for bygningsværker og brugskunst.</p> <p>Stk. 3. Uanset bestemmelsen i stk. 1 er det ikke tilladt uden ophavsmandens samtykke til almenheden at sprede eksemplarer af filmværker og eksemplarer af edb-programmer i digitaliseret form gennem udlån. Dette gælder dog ikke, når et eksemplar af et edbprogram i digitaliseret form udgør en del af et litterært værk og udlånes sammen med dette.</p> <p>Stk. 4. Bestemmelsen i stk. 1 medfører ingen indskrænkning i retten til at modtage afgift m.v. efter lov om biblioteksafgift.</p>	<p>Distribution of Copies §19 (1) Where a copy of a work has been sold or otherwise transferred to others within the European Economic Area with the consent of the author the copy may be further distributed. In respect of further distribution in the form of lending or rental, the provision of subsection (1) shall also apply to sale or assignment in any other form to other persons outside the European Economic Area.</p> <p>(2) Notwithstanding the provision of subsection (1), copies may not be distributed to the general public through rental without the consent of the author. However, this does not apply to works of architecture and applied art.</p> <p>(3) Notwithstanding the provision of subsection (1), copies of cinematographic works and copies of computer programs in digitized form may not be distributed to the public through lending without the consent of the author. However, this does not apply if a copy of a computer program in digitized form constitutes a part of a literary work and is lent together with it.</p> <p>(4) The provision of subsection (1) shall not carry any limitation in the right to receive remuneration etc., under the Act on Public Lending Right Remuneration.</p>

Public Lending Right Remuneration Act<sup>53</sup>

<sup>53</sup> <https://www.retsinformation.dk/eli/lta/2017/1448>

#### 41 DISTRIBUTION RULES

- The distribution for books is based on the number of pages by author. Fiction is awarded more points than non-fiction, poetry counts six times as much as fiction and many other very detailed distribution rules.<sup>54</sup>

---

<sup>54</sup> <https://www.retsinformation.dk/eli/ta/2017/1448>

## 42 COUNTRY REPORT ESTONIA

### 43 ADDITIONAL SYSTEM INFORMATION

- The loans-based system was established in 2000 by Copyright Law amendment, the Act provides for an exclusive distribution right for copyright holders as well as for performers, phonogram producers and for film producers, whereas the authors may not prohibit lending by public libraries but receive a remuneration instead (Art. 13(1) Copyright Act.
- PLR in Estonia covers citizens or permanent residents of Estonia, as books must be first published in Estonia. In principle, by law, there is no explicit restriction to eligibility.
- The system covers public libraries but excludes libraries of educational institutions (universities and schools.). Although the National Library lends out books it is not included in the PLR scheme yet.
- Works published include books and audio-visual works. Lending out an audiovisual work is permitted only in case the producer of the first fixation of a film has granted a respective authorisation. The lending out of a sound recording of a work is permitted in case four months have passed since the start of the distribution of such sound recording in Estonia. The said time-limit can be shortened with the consent of the holder of related rights which is in written format or in a format which can be reproduced in writing.<sup>55</sup>
- Authors, translators, editors, adaptors, illustrators must report their work information (type of work and type of creatorship as well as titles.<sup>56</sup> Publishers only receive a remuneration in case they acquire exclusive rights for PLR by the creators.<sup>57</sup>
- The system is governed by the Authors Remuneration Fund (Autorihüvitusfond).<sup>58</sup>

### 44 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- Based on an authors' initiative, an e-lending remuneration based on the Finland model is in discussion currently.<sup>59</sup>
- A comprehensive study by the Government Negotiation assessed a large number of relevant loans - suggesting a sum of 4 Million € to be adequate. As a consequence, the remuneration was raised substantially. For loans in 2023, a sum of 1,5 Mio. € will be paid under the scheme. (2022: 500,000 €; 2021: 123,000 €).

### 45 MAIN RESOURCES FOR FURTHER RESEARCH

<http://www.ahf.ee/>

### 46 BEST PRACTICES IN THE COUNTRY

- Empirical government studies used for assessing relevant number of loans and adaptation of sums paid.<sup>60</sup>

---

<sup>55</sup> § 13 Estonia Copyright Act

<https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/527122022006/consolide#>

<sup>56</sup> Interview Information given by Ainiki Väljataga Autorihüvitusfond (Authors Compensation Fund) on January 17, 2024.

<sup>57</sup> Interview Information given by Ainiki Väljataga Autorihüvitusfond (Authors Compensation Fund) on January 17, 2024.

<sup>58</sup> <http://www.ahf.ee/>

<sup>59</sup> Interview Information given by Ainiki Väljataga Autorihüvitusfond (Authors Compensation Fund) on January 17, 2024.

<sup>60</sup> Interview Information given by Ainiki Väljataga Autorihüvitusfond (Authors Compensation Fund) on January 17, 2024.

- Low administrative costs of only about 6% due to high digitalization.<sup>61</sup>

#### 47 LEGAL BASIS

##### Estonia Copyright Act<sup>62</sup>

Original Wording	Official Estonian English Translation <sup>63</sup>
<p>§ 13. Teose ja teose helisalvestise kojulaenutamine raamatukogust</p> <p>(1) Raamatukogul on õigus autori, esitaja ja fonogrammitootja nõusolekuta koju laenutada teost ja teose helisalvestist, kuid nimetatud isikutel on õigus saada kojulaenutamise eest tasu. Audiovisuaalse teose kojulaenutamine on lubatud vaid juhul, kui filmi esmasalvestuse tootja on andnud selleks loa.</p> <p>(2) Teose helisalvestise kojulaenutamine on lubatud juhul, kui helisalvestise Eestis levitamise algusest on möödunud neli kuud. Autoriõigusega kaasnevate õiguste omaja nõusolekul, mis on kirjalikus või kirjalikku taasesitamist võimaldavas vormis, võib nimetatud tähtaega lühendada.</p> <p>(3) Audiovisuaalse või helikunsti õppesuunal tegutsevat õppeasutust teenindaval raamatukogul on õigus audiovisuaalset teost ning teose helisalvestist õppe- ja teaduslikul eesmärgil koju laenutada kõigi kaasnevate õiguste omajate nõusolekuta ning käesoleva paragrahvi 2. lõikes nimetatud ajalise piiranguta.</p> <p>(4) Autorile, esitajale ja fonogrammitootjale väljamakstava tasu suuruse arvutamise aluseks võetakse eelarveaastas tasude maksmiseks eraldatud riigieelarvelised vahendid ja kalendriaastas rahvaraamatukogudes elektrooniliselt registreeritud laenutused.</p> <p>(5) Autorile makstakse tasu avalduse alusel, mis on kirjalikus või kirjalikku taasesitamist võimaldavas vormis, välja arvatud käesoleva paragrahvi 7. lõikes nimetatud juhul.</p>	<p>§ 13. Lending of work and sound recording of work out from libraries</p> <p>(1) A library has the right to lend out a work and a sound recording of a work without the consent of the author, performer or producer of phonograms, but they are entitled to receive remuneration for such lending out. Lending out an audiovisual work is permitted only in case the producer of the first fixation of a film has granted a respective authorisation.</p> <p>(2) The lending out of a sound recording of a work is permitted in case four months have passed since the start of the distribution of such sound recording in Estonia. The said time-limit can be shortened with the consent of the holder of related rights which is in written format or in a format which can be reproduced in writing.</p> <p>(3) A library providing services to an educational institution operating in a field of study of audiovisual arts or music is entitled to lend out an audiovisual work and a sound recording of a work for teaching and scientific research without the consent of all holders of related rights and without the time-limit set out in subsection 2 of this section.</p> <p>(4) The amount of remuneration payable to the author, performer and producer of phonograms is calculated on the basis of the state budget funds allocated for remunerations in the financial year and the electronically registered loans in public libraries within the calendar year.</p> <p>(5) Remuneration shall be paid to the author on the basis of an application which is in written format or in a format which can be</p>

<sup>61</sup> Interview Information given by Ainiki Väljataga Autorihüvitusfond (Authors Compensation Fund) on January 17, 2024.

<sup>62</sup> <https://www.wipo.int/wipolex/en/text/588256>

<sup>63</sup> <https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/527122022006/consolide#>



<p>(6) Autorile tasu maksmiseks kehtestab Vabariigi Valitsusmäärusega:</p> <ol style="list-style-type: none"> <li>1. avalduses esitatavate andmete loetelu;</li> <li>2. tasu jaotamise määrad erinevate autorite vahel;</li> <li>3. tasu arvutamise ja väljamaksmise alused ja korra.</li> </ol> <p>(7) Audiovisuaalse teose autorile ning teose helisalvestise autorile, heliteose esitajale ja fonogrammitootjale makstakse tasu teda esindava kollektiivse esindamise organisatsiooni kaudu.</p> <p>(8) Tasu väljamaksja on valdkonna eest vastutava ministri määratud juriidiline isik.</p> <p>(9) Tasu väljamaksjal on õigus saada rahvaraamatukogudelt kõiki tasu maksmiseks vajalikke andmeid. Sellega seotud lisakulutused kannab tasu väljamaksja. Leht 8 / 57 Autoriõiguse seadus</p> <p>(10) Käesoleva paragrahvi 5. lõike alusel makstava tasu ülempiir on neljakordne Statistikaameti esitatud eelmise aasta Eesti keskmine brutopalk. [RT I 2008, 18, 123- jõust. 15.05.2008]</p>	<p>reproduced in writing, except in the case set out in subsection 7 of this section.</p> <p>(6) In order to pay the remuneration to the author, the Government of the Republic shall establish by a regulation:</p> <ol style="list-style-type: none"> <li>1. the list of information to be submitted in an application;</li> <li>2. the rates of distribution of the remuneration between different authors;</li> <li>3. the bases of and procedure for calculation and payment of remuneration.</li> </ol> <p>(7) The remuneration to the author of an audiovisual work and author of a sound recording of a work, performer of a musical work and producer of phonograms is paid via the collective management organisation representing such author of an audiovisual work, author of a sound recording of a work, performer of a musical work or producer of phonograms.</p> <p>(8) The remuneration is paid by a legal person determined by the minister in charge of the policy sector.</p> <p>(9) The payer of remuneration has the right to obtain from public libraries all the information necessary for the payment of the remuneration. Any additional related expenses are borne by the payer of the remuneration. Page 8 out of 57 of Copyright Act</p> <p>(10) The upper limit of the remuneration payable on the grounds of subsection 5 of this section shall be four times the average gross wages of the preceding year in Estonia as reported by Statistics Estonia. [RT I 2008, 18, 123 – entry into force 15.05.2008]</p>
<p>§ 14. Autori õigus saada autoritasu</p> <p>(1) Autoril on õigus saada kohast ja proportsionaalset tasu teose kasutamise eest teiste isikute poolt (autoritasu), välja arvatud käesoleva seadusega ettenähtud juhud. [RT I, 28.12.2021, 1- jõust. 07.01.2022]</p>	<p>§ 14. Author's right to remuneration</p> <p>(1) An author has the right to obtain appropriate and proportional remuneration (author's remuneration) for the use of the author's work by other persons except in the cases prescribed by this Act. [RT I, 28.12.2021, 1 – entry into force 07.01.2022]</p>

<p>(2) Autoritasu, sealhulgas rendi suurus ning selle kogumise ja väljamaksmise kord, määratakse kindlaks autori ja teose kasutaja vahelise kokkuleppega (lepinguga) või autori volitusel autoreid esindava kollektiivse esindamise organisatsiooni või muu isiku ja teose kasutaja vahelise kokkuleppega käesoleva seaduse IX peatükis sätestatud erisusi arvestades. [RT I, 27.11.2018, 1- jõust. 28.11.2018]</p>	<p>(2) The amount of the remuneration, including rental fees, and the procedure for the collection and payment thereof shall be determined by an agreement (contract) between the author and a user of the work or, by the authorisation of the author, by an agreement between a collective management organisation representing authors or any other person and a user of the work, in which case the specifications provided for in Chapter IX of this Act shall be taken account of. [RT I, 27.11.2018, 1 – entry into force 28.11.2018]</p>
<p>(3) Kuni ei ole saavutatud käesoleva paragrahvi 2. lõikes märgitud kokkulepet, on teose kasutamine keelatud.</p>	<p>(3) It is prohibited to use a work before an agreement specified in subsection 2 of this section is reached.</p>
<p>(4) Kui pooled on autoritasus kokku leppinud, kuid kohustatud pool ei täida tähtpäevaks temal lasuvat kohustust osaliselt või täielikult, peab kohustatud pool teose kasutamise lõpetama, kui ei ole õigustatud poolega kokku lepitud teisiti.</p>	<p>(4) If the parties agree on the remuneration but the obligated party fails to perform the party's obligation in part or in full by the due date, the obligated party must stop using the work unless otherwise agreed with the entitled party.</p>
<p>(5) Käesoleva paragrahvi 4. lõikes sätestatu eiramine loetakse teose kasutamiseks ilma autori või tema õiguste omaja loata.</p>	<p>(5) A violation of subsection 4 of this section is deemed the use of a work without the authorisation of the author or holder of the author's rights.</p>
<p>(6) Kui autor on audiovisuaalse teose produtsendile üle andnud (loovutanud) oma varalised õigused või andnud loa (litsentsi) audiovisuaalse teose originaali või koopiat kasutada (sealhulgas rentida) või sellist õiguste üleandmist või loa andmist eeldatakse, jääb autorile õigus saada õiglast tasu televisiooniteenuse osutajalt, rendile andjalt või muult isikult, kes audiovisuaalset teost kasutab. Kokkulepe loobumise kohta õigusest saada õiglast tasu on kehtetu. [RT I, 06.01.2011, 1- jõust. 16.01.2011]</p>	<p>(6) Where an author has transferred (assigned) the author's economic rights to a producer of audiovisual works or granted an authorisation (licence) to use (including to rent) the original or a copy of an audiovisual work, or where such transfer or authorisation is presumed, the author shall retain the right to obtain equitable remuneration from the television broadcasting service provider, commercial lessor or another person who uses the audiovisual work. An agreement to waive the right to obtain equitable remuneration is void. [RT I, 06.01.2011, 1 – entry into force 16.01.2011]</p>
<p>(7) Kui autor on fonogrammitootjale üle andnud (loovutanud) õiguse või andnud loa (litsentsi) fonogrammi koopiat rentida või sellist õiguse üleandmist või loa andmist eeldatakse, jääb autorile õigus saada sellise rentimise eest rendile andjalt õiglast tasu. Kokkulepe loobumise kohta õigusest saada õiglast tasu on kehtetu.</p>	<p>(7) Where an author has transferred (assigned) the right or granted an authorisation (licence) to a producer of phonograms to rent a copy of a phonogram, or where such transfer or authorisation is presumed, the author shall retain the right</p>

[RT I 2004, 71, 500- jõust. 29.10.2004]	to obtain equitable remuneration from the commercial lessor for such rental. An agreement to waive the right to obtain equitable remuneration is void. [RT I 2004, 71, 500 – entry into force 06.01.2000]
---	--

#### 48 DISTRIBUTION RULES

The 5 specific CMOs distribute the PLR to recipients according to their own individual regulations.

## 49 COUNTRY REPORT FINLAND

### 50 ADDITIONAL SYSTEM INFORMATION

- The system in Finland exists since 1963 (Act of Grants & Subsidies (1963)) and was replaced by amendment to Copyright Act 2007 and a new remuneration law in 2016. E-Lending remuneration was included effective on January 2024.
- The remuneration is calculated as a flat fee paid by the government.
- Authors and rightsholders living in EEA countries are eligible. Authors, illustrators, translators, designers, composers and other rightholders are eligible recipients. Publishers do not receive a remuneration. Illustrators are also remunerated for cover art.
- Actors and speakers of digital audiobooks receive remuneration for e-lending of audiobooks (streaming).
- The PLR system for physical lending covers books and copyright works lent out by libraries, but not films or computer programs.
- Libraries include public and educational/academic libraries.
- The system is governed by the collecting societies representing authors (SANASTO), artists (KOPIOSTO) and composers (TEOSTO). The respective creators have to register with them.<sup>64</sup>
- Libraries for visually impaired persons have a separate remuneration system for lending of specific works.
- Finnish law mandates manufacturers/publishers to provide a copy of books or e-works to the National Library, except recordings containing films, which are handed over to the National Audiovisual Institute. This is governed by the "Laki kulttuuriaineistojen tallettamisesta ja säilyttämisestä" Act.<sup>65</sup>

### 51 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- On January, 1<sup>st</sup>, 2024, the new remuneration law for the remuneration for e-lending was introduced in the Finnish copyright act. While publishers still license the lending right, the remuneration for e-lending is now subject to a state remuneration. The remuneration is paid in form of a flat fee, in addition and separate from the PLR remuneration.
- E-Lending remuneration in Finland now covers all titles with an ISBN, also audiobooks for streaming and media distributed in connection with books carrying an ISBN.

### 52 BEST PRACTICES IN THE COUNTRY

- Remuneration of e-lending despite licensing practice by publishers.
- The authors' organization SANASTO report that practically no critical points about the system are raised from the authors' side. The system is considered to be fair and adequate according to SANASTO information.<sup>66</sup>

---

<sup>64</sup> <https://okm.fi/en/special-tasks-related-to-remunerations>

<sup>65</sup> <https://www.finlex.fi/fi/laki/ajantasa/2007/20071433>

<sup>66</sup> Information in interview given by Niina Vettensola and Linda Lappalainen, SANASTO on January 23, 2024.

53 RESOURCES FOR FURTHER RESEARCH

- <http://www.sanasto.fi/>
- <http://www.kopiosto.fi/>
- <https://www.teosto.fi/>

54 LEGAL PROVISION IN NATIONAL LAW

Finland Copyright Act

Original Wording <sup>67</sup>	Machine Translation by Google Translate
<p>19 § (24.3.1995/446) Teoksen kappaleiden levittäminen ja oikeus lainauskorvaukseen (22.5.2015/607)</p> <p>(1) Kun teoksen kappale on tekijän suostumuksella ensimmäisen kerran myyty tai muutoin pysyvästi luovutettu Euroopan talousalueella, kappaleen saa levittää edelleen. (14.10.2005/821)</p> <p>(2) Mitä 1 momentissa säädetään, ei koske teoksen kappaleen saattamista yleisön saataviin vuokraamalla tai siihen verrattavalla oikeustoimella. Rakennustaiteen, taidekäsityön tai taideteollisuuden tuotteen saa kuitenkin vuokrata yleisölle.</p> <p>(3) Mitä 1 momentissa säädetään, ei koske elokuvateoksen tai tietokoneella luettavassa muodossa olevan tietokoneohjelman kappaleen saattamista yleisön saataviin lainaamalla.</p> <p>(4) Teoksen tekijällä on oikeus korvaukseen teoksensa kappaleiden lainaamisesta yleisölle, lukuun ottamatta rakennustaiteen, taidekäsityön ja taideteollisuuden tuotteita. Oikeutta korvaukseen ei kuitenkaan ole, jos lainaaminen tapahtuu muusta kuin yleisestä kirjastosta tai korkeakoulukirjastosta. Jollei korvausta vaadita todisteellisesti kolmen vuoden kuluessa sen kalenterivuoden päättymisestä, jona oikeus korvaukseen on syntynyt, oikeus korvaukseen raukeaa. Tässä momentissa tarkoitettuun oikeuteen sovelletaan 41 §:ää. Oikeustoimi, jolla tekijä luovuttaa oikeutensa tässä momentissa tarkoitettuun korvaukseen, on mitätön. (18.11.2016/972)</p>	<p>Section 19 (446/1995) Distribution of copies of a work and right to remuneration for lending (607/2015)</p> <p>(1) When a copy of a work has been sold or otherwise permanently transferred with the consent of the author within the European Economic Area, the copy may be further distributed. (821/2005)</p> <p>(2) The provisions of subsection 1 shall not apply to making a copy of a work available to the public by rental or by a comparable legal transaction. However, a product of architecture, artistic handicraft or industrial art may be rented to the public.</p> <p>(3) The provisions of subsection 1 shall not apply to making a copy of a cinematographic work or of computer-readable computer program available to the public by lending.</p> <p>(4) The author shall have a right to remuneration for the lending of copies of a work to the public, with the exception of products of architecture, artistic handicraft and industrial art. Remuneration may be claimed only for lending which has taken place within the last three calendar years. However, the right to remuneration shall not subsist if the lending takes place in a library serving research or educational activities. The right referred to in this subsection shall be governed by the provisions of section 41. Any legal actions whereby an author concedes his right to remuneration referred to in this subsection shall be null and void. (763/2013)</p>

<sup>67</sup> <https://www.finlex.fi/fi/laki/ajantasa/1961/19610404#L3P38a>

(5) Teoksen kappaleen, joka on tekijän suostumuksella ensimmäisen kerran myyty tai muutoin pysyvästi luovutettu Euroopan talousalueen ulkopuolella, saa 1 momentin mukaisesti 3 momentissa olevin rajoituksin:

- 1) saattaa yleisön saataviin lainaamalla;
- 2) myydä tai muutoin pysyvästi luovuttaa, jos luovutettava kappale on yksityisen henkilön omaan käyttöönsä hankkima;
- 3) myydä tai muutoin pysyvästi luovuttaa, jos luovutettava kappale on arkiston, yleisölle avoimen kirjaston tai museon kokoelmaansa hankkima.

(14.10.2005/821)

(5) A copy of a work which has, with the consent of the author, been sold or otherwise permanently transferred outside the European Economic Area may in accordance with the provisions of subsection 1, under the conditions laid down in subsection 3, be:

- 1) made available to the public by lending;
- 2) sold or otherwise permanently transferred if the copy to be transferred is one acquired by a private individual for private use;
- 3) sold or otherwise permanently transferred if the copy to be transferred is one acquired by an archive, or by a library or a museum open to the public, for its own collections.

(14.10.2005/821)

## 55 COUNTRY REPORT FRANCE

### 56 ADDITIONAL SYSTEM INFORMATION

- Established by the French PLR Act 2003 (implemented in 2005) several objectives were followed:
  - o Establish and support a supplementary pension scheme for book authors (writers, translators, illustrators, etc.);
  - o Consolidate action of libraries in favor of public reading, by exempting their users from paying a lending fee
  - o Increased support to bookstores by capping the discounts that can be granted on books sold to lending libraries.
- The scheme implemented by the French law has been adopted with the view to opening the access of independent bookstores to the book market of libraries by prohibiting any discount rate exceeding 9 per cent on the fixed price of books in France.
- The governing body is the CMO SOFIA, not only responsible for collection but also for the distribution of PLR and representing also authors and publishers. SOFIA has several reciprocal agreements about PLR with VG Wort (Germany), Stichting Pro and Stichting Lira (Country -Bas), ALCS and Public Lending Right (United Kingdom).<sup>68</sup>
- The rather unique system is partly funded by the state and partly by book sales to libraries. Booksellers contribute a substantial part of PLR but independent bookstores have obtained access to the library book market in return, the law having limited the discount rate between zero and 9 percent of the book price sold to a lending library. Book suppliers have to register and declare all books purchased for lending as one base of the remuneration. Libraries must declare their purchases and booksellers their sales of books to libraries to the governing CMO, SOFIA. Based on these declarations, book suppliers pay a royalty of 6% of public price excl. tax of books sold to lending organizations. The state contributes with a fee calculated on the number of users registered in libraries. So, payment per copy purchased is 6% of the book price (booksellers' contribution) and Euro 1.5 per library member, and 1 Euro for university library members (state contribution).
- All public libraries, academic libraries (also university libraries) and school libraries, even private libraries (run by companies, NGOs and societies) are included in the French PLR system. Reference libraries are exempt.
- Public lending covers all printed materials, also schoolbooks in school libraries (without schoolbooks acquired for lending to individual pupils. Not eligible are textbooks, remaindered books, old or used books, sheet music, self-published books sold by authors, journals, magazines (periodicals).
- Publishers are eligible to PLR if their books have been sold to a library.
- Illustrators and photographers receive a remuneration, but illustrators of covers are not included, the same applies to photographers and others.
- Distribution amounted to 26.1 Mio. € in 2021 (4 Mio. € attributed to pension fund) while 12.6 million Euro were distributed in royalties (66,000 authors and 2,600 publishers) in 2022, the total amount was 16.5 million Euro with 3.9 million attributed to the pension fund. The exceptionally high sum in 2021 was due to change in distribution methods that year, which allowed for a catch-up on previous years, hence higher amounts paid.

### 57 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- In 2023, the distribution rules for PLR were facilitated to enable easier payment to co-authors.

---

<sup>68</sup> <https://www.la-sofia.org/droits-geres/droit-de-pre/>

## 58 BEST PRACTICES IN THE COUNTRY

- The pension scheme for authors (to include writers, translators and illustrators) (RAAP) funded by PLR is considered a valuable and socially important instrument to support also less well-known authors.<sup>69</sup> Since its implementation in 2017, RAAP changed limit to double the annual social security ceiling. In 2021, 4.7 Mio. € were paid to (Sofia support), 4.674 authors. 2022: 6.7 million (Sofia support), 6766 authors concerned.
- The calculation of a remuneration based on the number of copies purchased rather than on loans enables a lot of different stakeholders to profit (“distributive scheme”). As a side effect, the closing of libraries during pandemic did not lead to diminishing the sum paid.
- As the same amount is paid for each book, irrespective of size, type and format, smaller publications, especially poetry profit.

## 59 RESOURCES FOR FURTHER RESEARCH

<https://www.sofialivreindisponible.org/les-licences-dexploitation/>

Supplementary pension for authors: <https://www.la-sofia.org/action-sociale/retraite-complementaire/>

Financial reporting: <https://www.sofialivreindisponible.org/les-principaux-chiffres/>  
<https://www.la-sofia.org/wp-content/uploads/2022/06/SOFIA2022-SYNTHESE2021-PLANCHE-BASSEDEF.pdf>

## 60 LEGAL PROVISION IN NATIONAL LAW

Code de la propriété intellectuelle<sup>70</sup>

Original Wording	Machine Translation by Google Translate <sup>71</sup>
Chapitre III : Rémunération au titre du prêt en bibliothèque (Articles L133-1 à L133-4)	CHAPTER III The payment for book lending in a library (Articles L133-1 to L133-4)
<b>Article L133-1</b>  Création Loi n°2003-517 du 18 juin 2003 - art. 1, JORF 19 juin 2003 en vigueur le 1er août 2003  Lorsqu’une oeuvre a fait l’objet d’un contrat d’édition en vue de sa publication et de sa diffusion sous forme de livre, l’auteur ne peut s’opposer au prêt d’exemplaires de cette édition par une bibliothèque accueillant du public.	<b>Article L133-1</b>  <i>(Act n° 2003-517 of 18 June 2003, Art.1, Official journal of 19 June 2003, in force on 1 august 2003)</i> When a work is subject to a publishing contract for its publication and distribution in a book form, the author may not object to the lending of copies of this publication by a library open to the public.  The lending creates a right for payment in favour of the author in accordance with the conditions set in Article L133-4.

<sup>69</sup> Information by interview given by Geoffroy Pelletier and Florence-Marie Piriou, SOFIA on January 22<sup>nd</sup>, 2024.

<sup>70</sup> <https://www.legifrance.gouv.fr/loda/id/LEGITEXT000006069414/2023-05-03>

<sup>71</sup> Official translation



<p>Ce prêt ouvre droit à rémunération au profit de l'auteur selon les modalités prévues à l'article L. 133-4.</p>	
<p><b>Article L133-2</b></p> <p>Modifié par Ordonnance n°2016-1823 du 22 décembre 2016 - art. 2</p> <p>La rémunération prévue par l'article L. 133-1 est perçue par un ou plusieurs organismes de gestion collective régis par le titre II du livre III et agréés à cet effet par le ministre chargé de la culture. L'agrément prévu au premier alinéa est délivré en considération:</p> <ul style="list-style-type: none"> <li>- de la diversité des membres;</li> <li>- de la qualification professionnelle des dirigeants;</li> <li>- des moyens que l'organisme propose de mettre en oeuvre pour assurer la perception et la répartition de la rémunération au titre du prêt en bibliothèque ;</li> <li>- de la représentation équitable des auteurs et des éditeurs parmi ses membres et au sein de ses organes dirigeants.</li> </ul> <p>Un décret en Conseil d'Etat fixe les conditions de délivrance et de retrait de cet agrément.</p>	<p><b>Article L133-2</b></p> <p><i>(Act n° 2003-517 of June 2003, Art. 1, Official Journal of 19 June 2003, in force on 1 august 2003)</i></p> <p>The payment stipulated in article L133-1 shall be collected by one or several collection and distribution companies of royalties who are governed by Title II of Book III and licensed by the Minister responsible for culture. The licenses stipulated in the first paragraph shall be delivered in consideration:</p> <ul style="list-style-type: none"> <li>- of the diversity of partners</li> <li>- of the professional qualification of the managers</li> <li>- of the means that the company puts in place to insure the collection and distribution of the payment for lending in library;</li> <li>- of the equitable representation of authors and publishers among the partners and within the management organs.</li> </ul> <p>A decree in Conseil d'Etat shall determine the conditions for the delivery and withdrawal of licences.</p>
<p><b>Article L133-3</b></p> <p>Création Loi n°2003-517 du 18 juin 2003 - art. 1, JORF 19 juin 2003 en vigueur le 1er août 2003</p> <p>La rémunération prévue au second alinéa de l'article L. 133-1 comprend deux parts.</p> <p>La première part, à la charge de l'Etat, est assise sur une contribution forfaitaire par usager inscrit dans les bibliothèques accueillant du public pour le prêt, à l'exception des bibliothèques scolaires. Un décret fixe le montant de cette contribution, qui peut être différent pour les bibliothèques des établissements d'enseignement supérieur, ainsi que les modalités de</p>	<p><b>Article L133-3</b></p> <p><i>(Act n° 2003-517 of June 2003, Art. 1, Official Journal of June 2003, in force on 1 august 2003)</i></p> <p>The payment stipulated in the second paragraph of Article L133-1 shall comprise two parts.</p> <p>The first part, borne by the State, shall be determined on the basis of a fixed contribution paid by each subscribed user of libraries open to the public for lending with the exception of school libraries. A decree in Conseil d'Etat shall determine the amount of the contribution, which may be different for libraries of higher institutions, and the conditions to determine the number of</p>

<p>détermination du nombre d'usagers inscrits à prendre en compte pour le calcul de cette part.</p> <p>La seconde part est assise sur le prix public de vente hors taxes des livres achetés, pour leurs bibliothèques accueillant du public pour le prêt, par les personnes morales mentionnées au troisième alinéa (2°) de l'article 3 de la loi n° 81-766 du 10 août 1981 relative au prix du livre ; elle est versée par les fournisseurs qui réalisent ces ventes. Le taux de cette rémunération est de 6 % du prix public de vente.</p>	<p>subscribed users to be taken into account for the computation of this part.</p> <p>The second part shall be fixed on the basis of public price before taxes of books bought by legal persons, mentioned in the third paragraph (2°) of Article 3 of Act n° 81-766 of 10 August 1981 on book price, for their libraries open to the public for lending. This part is paid by the suppliers who operate these sales. The rate of the payment is 6% of the market price of the sale.</p>
<p><b>Article L133-4</b></p> <p>Modifié par Ordonnance n°2016-1823 du 22 décembre 2016 - art. 2</p> <p>La rémunération au titre du prêt en bibliothèque est répartie dans les conditions suivantes :</p> <p>1. Une première part est répartie à parts égales entre les auteurs et leurs éditeurs à raison du nombre d'exemplaires des livres achetés chaque année, pour leurs bibliothèques accueillant du public pour le prêt, par les personnes morales mentionnées au troisième alinéa (2°) de l'article 3 de la loi n° 81-766 du 10 août 1981 précitée, déterminé sur la base des informations que ces personnes et leurs fournisseurs communiquent à l'organisme ou aux organismes mentionnés à l'article L. 133-2 ;</p> <p>2. Une seconde part, qui ne peut excéder la moitié du total, est affectée à la prise en charge d'une fraction des cotisations dues au titre de la retraite complémentaire par les personnes visées aux troisième et quatrième alinéas de l'article L. 382-12 du code de la sécurité sociale.</p>	<p><b>Article L133-4</b></p> <p><i>(Act n° 2003-517 of 18 June 2003, Art. 1, Official Journal f 19 June 2003, in force on 1 august 2003)</i></p> <p>The payment for book lending in a library is divided according to the following criteria</p> <p>1. A first part shall be divided on equal shares between authors and publishers in proportion to the number of books bought each year by legal persons, mentioned in the third paragraph (2°) of article 3 of Act n° 81-766 of 10 August 1981 aforementioned, for their libraries, fixed on the basis of the information that these persons and their suppliers communicate to the company or companies mentioned in Article L133-2.</p> <p>2. A second part, which may not exceed half of the total, shall be allocated to take in charge of a fraction of the contributions, owed for complementary pension, by the persons mentioned in the second paragraph of article L382-12 of the Social Security Code.</p>

Ministerial Decree for further rules.

## 61 DISTRIBUTION RULES

- 25 – 30 % of the total PLR remuneration are dedicated to authors' pension funds.

- SOFIA members receive remuneration directly, other than authors receive sums through their publishers.
- Distribution data (title information and information about the number of purchased copies) is collected by libraries and suppliers of books. SOFIA calculates an amount per title and per copy.

## 62 COUNTRY REPORT GEORGIA

### 63 ADDITIONAL SYSTEM INFORMATION

- PLR is administered by the “Georgian Copyright Association”. The Association was established in 1999 as a legal successor of the “Georgian Authors and Performers Association” (GESAP) and “Georgian Authors Society” (SAS).<sup>72</sup>

### 64 RESOURCES FOR FURTHER RESEARCH

[www.qca.ge](http://www.qca.ge)

[\(in national language only.\)](#)

### 65 LEGAL PROVISION IN NATIONAL LAW

“Georgian Law on Copyright and Related Rights”.

Original Wording	Translation <sup>73</sup>
	<p>ARTICLE 4: DEFINITION OF TERMS USED IN THE LAW</p> <p>The terms used in the Law shall have the following meaning:</p> <p>[...]</p> <p>d) making available to the public – any act (other than publication), as a result of which, either directly or through a technical device, a work, performance, phonogram, videogram, broadcast of broadcasting organization or database became available to the public; (03.06.2005 № 1585)</p>
	<p>2. The exclusive right to use a work shall mean the right to exercise, authorize or prohibit the following:</p> <p>a) reproduction of the work (the right of reproduction);</p> <p>b) distribution of the original or copies of work by sale or other transfer of ownership (the right of distribution); (03.06.2005 №1585)</p> <p>c) importation of copies of the work for the purpose of sale or rental or other transfer of ownership, including the copies made with the consent of the author or other owner of copyright (the right of importation); (03.06.2005 №1585)</p> <p>d) public display of the work (the right of public display). This right shall not apply where the public display is the result of a lawful purchase of the work put in civil circulation;</p>

<sup>72</sup> <https://ifrro.org/page/member-details/qca/?k=ro-9fc3c207b5fa8a680e85f555266e5444>

<sup>73</sup> <https://www.wipo.int/wipolex/en/text/548744>

	<p>e) public performance of the work (the right of public performance);</p> <p>f) communication to the public of the work, including the first transmission and/or retransmission by wire or wireless means so that it may be accessed by any person at a time and place chosen by him/her (the right of communication to the public); (03.06.2005 №1585)</p> <p>g) translation of the work (the right of translation);</p> <p>h) adaptation of the work (the right of adaptation);</p> <p>i) renting of the original or copies of the work and/or transfer of ownership in other form; (03.06.2005 №1585)</p> <p>j) usage of the work otherwise. (03.06.2005 №1585)</p> <p>3. The author or other owner of exclusive copyright shall be entitled to receive remuneration for the use of the work in any form (the right of remuneration).</p> <p>4. The first sale of a copy of a work in Georgia by the author or with his/her consent shall exhaust the author's right to further distribution of that copy within Georgia. (03.06.2005 №1585)</p> <p>5. Authors or other owners of copyright of musical works expressed in graphic form, audiovisual works, computer programs, databases, and works fixed in phonogram videogram shall enjoy the exclusive right of authorizing the rental or other transfer of ownership of the originals or copies of these works, notwithstanding the copyright in this original or copies. (03.06.2005 №1585)</p> <p>6. The exclusive right to use architectural, town-planning and landscape architecture projects shall include the right of implementation of such projects.</p> <p>7. The amount of the remuneration, the rule of its calculation and payment for any use of the work shall be determined under an agreement concluded between the author, other owner of copyright or a collective management organization of economic rights, on the one hand, and, the user,</p>
--	---

	on the other one. [...]
--	----------------------------

## 66 COUNTRY REPORT GERMANY

### 67 ADDITIONAL SYSTEM INFORMATION

- In Germany, the legislature has made use of the option under the Rental and Lending Directive (2006) not to construct the lending right as an exclusive right, unlike the rental right. This should take into account the cultural, educational and educational policy tasks of libraries, so that they can lend out works without permission. The lending right is considered exhausted when the work is first placed on the market. The remuneration right of PLR compensates for the potential financial damage that can arise from lending.<sup>74</sup>
- All protected work in the form of physical copies of the work, even software is covered by this rule.<sup>75</sup> For software, however, there is a voluntary declaration by the libraries that system control programs, communication software, word processing programs, spreadsheet programs, graphics and CAD programs and general data programs will only be borrowed from public libraries with the consent of the right holder.
- Eligible are creators and publishers, but also holders of neighboring rights such as speakers of audio books and musicians, but also audio and film producers. In case of books, authors, translators, and editors are eligible.
- PLR in Germany is administered by “Zentralstelle Bibliothekstantieme” (Central Office for PLR) (ZBT) an association of all German collecting societies in the legal form of a civil law company based in Munich under the management of the CMO VG WORT. ZBT collects PLR on behalf of its shareholders, not being a CMO but a dependent collecting organization subject to official supervision by the German Patent and Trademark Office. Administrative costs for the collection and distribution to the CMOs is 3.0% of the incoming net remuneration, further administration costs occur at the level of the specialized CMOs.
- Distributors of PLR are the CMOs of VG WORT representing text authors, GEMA (composers and music text authors) and VG BILD-KUNST (visual artists). Other CMOs representing other rightholders and holders of neighboring rights in physical audiobooks, music CDs and film DVDs are GVL, VGF, GWFF and VFF as well as VG Musikedition for sheet music.
- The system covers public libraries, scientific and academic libraries, church libraries and company workers' libraries as well as state libraries (court libraries).
- The collecting societies negotiate a flat rate tariff fixed in an agreement with the federal and state governments (represented by the “PLR Commission”).
- Rightholders (authors, publishers and holders of neighboring rights) have to register and transfer the respective remuneration right to their relevant CMO.
- In case of text authors and publishers, loan data of sample libraries (selected and specified by the Conference of Ministers of Education and Cultural Affairs based on a proposal from the German Library Association) is assessed and matched automatically, but authors may submit work title information to help in the identification. The loan data of the last three years is added up annual average determines the amount of distribution for an individual work.
- For authors whose literary works are not included in the regular loan data sample, there is a special distribution of PLR based on work title reporting every three years, this shall cover anthologies and regional books not having received a PLR remuneration in the three years before.

---

<sup>74</sup> Dünwald/Staats in: Löwenheim (ed.), Handbuch des Urheberrechts, 3rd edition, 2021, § 92 Rn. 24.

<sup>75</sup> <https://dserver.bundestag.de/btd/12/040/1204022.pdf> , p. 12.

- The PLR remuneration in Germany covers only physical work copies and no e-books or other digital works made available by libraries.
- An annually fixed percentage of PLR income is invested in grants for private pension schemes for literary authors (“Stiftung Autorenversorgungswerk”) as well as in scholarships for scientific authors (“Förderungsfond Wissenschaft”) in the case of authors represented by VG WORT.

## 68 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- The number of loans – and therefore also the remuneration – have been declining in recent years. On March 30, 2020, an overall contract was signed for the years 2020 and 2021, which provided for reduced compensation figures of EUR 14,915 million annually. A further overall agreement was concluded in June 2022 for the years 2022 and 2023, which once again provides for reduced compensation payments amounting to EUR 14,080 million annually.
- Discussions and empirical studies by the German Government on e-lending remuneration are ongoing.

## 69 BEST PRACTICES IN THE COUNTRY

- In case of physical work copies a good balance between rightholder and library interests due to the legal construction of the remuneration right existing without lending being an exclusive right.
- Cooperation of relevant CMOs in the collection, negotiation and distribution of PLR among them.

## 70 LINKS USED FOR RESEARCH

<https://www.vgwort.de/auszahlungen/belletristik-und-kinderbuecher.html>  
<https://www.zentralstelle-bibliothekstantieme.de/>

## 71 LEGAL BASIS

### German Copyright Act

Original Wording	Translation
<p>§ 27 Vergütung für Vermietung und Verleihen</p> <p>(1) Hat der Urheber das Vermietrecht (§ 17) an einem Bild- oder Tonträger dem Tonträger- oder Filmhersteller eingeräumt, so hat der Vermieter gleichwohl dem Urheber eine angemessene Vergütung für die Vermietung zu zahlen. Auf den Vergütungsanspruch kann nicht verzichtet werden. Er kann im voraus nur an eine Verwertungsgesellschaft abgetreten werden.</p> <p>(2) Für das Verleihen von Originalen oder Vervielfältigungsstücken eines Werkes, deren Weiterverbreitung nach § 17 Abs. 2 zulässig ist, ist dem Urheber eine</p>	<p>§ 27 Compensation for rental and lending</p> <p>(1) If the author has granted the right to rent an image or sound recording to the sound recording or film producer (Section 17), the landlord must nevertheless pay the author appropriate compensation for the rental. The claim to compensation cannot be waived. It can only be assigned in advance to a collecting society.</p> <p>(2) For the lending of originals or copies of a work, the further distribution of which is permitted in accordance with Section 17 Paragraph 2, the author must be paid an appropriate remuneration if the originals or</p>



<p>angemessene Vergütung zu zahlen, wenn die Originale oder Vervielfältigungsstücke durch eine der Öffentlichkeit zugängliche Einrichtung (Bücherei, Sammlung von Bild- oder Tonträgern oder anderer Originale oder Vervielfältigungsstücke) verliehen werden. Verleihen im Sinne von Satz 1 ist die zeitlich begrenzte, weder unmittelbar noch mittelbar Erwerbszwecken dienende Gebrauchsüberlassung; § 17 Abs. 3 Satz 2 findet entsprechende Anwendung.</p> <p>(3) Die Vergütungsansprüche nach den Absätzen 1 und 2 können nur durch eine Verwertungsgesellschaft geltend gemacht werden.</p>	<p>copies are made available to the public accessible facility (library, collection of image or sound recordings or other originals or copies). Lending within the meaning of sentence 1 is the transfer of use for a limited period of time that does not serve either directly or indirectly for profit purposes; Section 17 Paragraph 3 Sentence 2 applies accordingly.</p> <p>(3) The remuneration claims according to paragraphs 1 and 2 can only be asserted by a collecting society.</p>
---	---

## 72 DISTRIBUTION FOR TEXT AUTHORS AND PUBLISHERS

<b>Original Wording</b> <sup>76</sup>	Machine Translation via Google Translate
<p>A. Verteilung in der Sparte Bibliothekstantieme (§ 1 Ziff. 3 des Wahrnehmungsvertrags) § 14 Aufteilung Das Aufkommen in der Sparte Bibliothekstantieme (§ 27 Abs. 2 UrhG) wird auf die Bereiche</p> <ul style="list-style-type: none"> <li>- Allgemeine öffentliche Bibliotheken (§§ 15-17)</li> <li>- Wissenschaftliche und Fachbibliotheken (§ 18)</li> </ul> <p>entsprechend den von der VG WORT bei ihren Ermittlungen festgestellten und vom Verwaltungsrat beschlossenen Anteilen verteilt.</p>	<p>A. Distribution of PLR</p> <p>(§ 1 paragraph 3 of the representation agreement) § 14 Division The revenue in the library royalties category (Section 27 Para. 2 UrhG) is based on the areas</p> <ul style="list-style-type: none"> <li>- General public libraries (§§ 15-17)</li> <li>- Scientific and specialist libraries (§ 18)</li> </ul> <p>distributed in accordance with the shares determined by VG WORT in its investigations and decided by the Board of Directors.</p>
<p>I. Allgemeine öffentliche Bibliotheken § 15 Ausschüttung für Ausleihen in allgemeinen öffentlichen Bibliotheken 1. Das Aufkommen aus der Sparte Bibliothekstantieme für Ausleihen in allgemeinen öffentlichen Bibliotheken wird wie folgt ausgeschüttet:</p> <p>a) 20 % der gesamten Ausschüttungssumme werden dergestalt verteilt, dass jeder Berechtigte einen gleichhohen Sockelbetrag erhält. Die Höhe des Sockelbetrags wird vom Verwaltungsrat für Urheber und Verlage getrennt festgelegt.</p>	<p>I. General public libraries § 15 Distribution for loans in general public libraries 1. The proceeds from the PLR for loans in general public libraries are distributed as follows:</p> <p>a) 20% of the total distribution amount will be distributed in such a way that every beneficiary receives an equal base amount. The amount of the base amount is determined separately by the Board of Directors for authors and publishers.</p> <p>b) The remainder is distributed by extrapolation based on loan statistics.</p>

<sup>76</sup> [https://www.vgwort.de/fileadmin/vg-wort/pdf/dokumente/Verteilungsplaene/Verteilungsplan\\_Juni\\_2023.pdf](https://www.vgwort.de/fileadmin/vg-wort/pdf/dokumente/Verteilungsplaene/Verteilungsplan_Juni_2023.pdf)

<p>b) Der Rest wird im Wege der Hochrechnung aufgrund einer Ausleihstatistik verteilt.</p> <p>2. Maßgebend für den gem. Abs. 1 b) zur Verteilung gelangenden Anteil ist die Anzahl der festgestellten Ausleihvorgänge eines Werks in allgemeinen öffentlichen Bibliotheken, wobei der Berechnung die Ausleihstatistiken des abgelaufenen und der beiden vorangegangenen Jahre zugrunde gelegt werden (Revolvierung). Es erfolgt keine unterschiedliche Bewertung der Ausleihvorgänge nach Art, Genre, Ausstattung oder Preis des entliehenen Werks.</p> <p>3. Abweichend von § 1 Abs. 1 S. 2 erhalten neu hinzukommende Berechtigte rückwirkend die Beträge, die im Jahr des Abschlusses des Wahrnehmungsvertrags sowie in den vorangegangenen zwei Jahren für sie angefallen sind.</p> <p>4. Herausgeber und Bearbeiter werden mit insgesamt 25 % des ausschüttungsfähigen Urheberanteils berücksichtigt. Sind mehrere derartige Berechtigte beteiligt, erfolgt die Aufteilung zwischen beiden Gruppen von Berechtigten und innerhalb einer Gruppe zu gleichen Teilen.</p> <p>5. Eine Ausschüttung an Verlage setzt zusätzlich zu festgestellten Ausleihvorgängen voraus, dass der Verlag die Werke, an denen ihm Rechte i.S.v. § 4 Abs. 1 eingeräumt wurden, in der dafür vorgesehenen Form angemeldet und dabei eine Erklärung gem. § 4 Abs. 2 abgegeben hat. § 6 Abs. 4 findet keine Anwendung.</p>	<p>2. The decisive factor for the share to be distributed in accordance with paragraph 1 b) is the number of borrowings of a work in general public libraries, whereby the calculation is based on the borrowing statistics for the past and the two previous years -de be placed (revolving). There is no different evaluation of the loan processes depending on the type, genre, features or price of the borrowed work.</p> <p>3. Contrary to Section 1 Paragraph 1 Sentence 2, newly added beneficiaries will retroactively receive the amounts that accrued to them in the year in which the management agreement was concluded and in the previous two years.</p> <p>4. Publishers and editors are considered a total of 25% of the distributable author's share. If several such authorized persons are involved, the distribution takes place equally between both groups of authorized persons and within a group.</p> <p>5. A distribution to publishers requires, in addition to established lending transactions, that the publisher registers the works to which it has been granted rights within the meaning of Section 4 Paragraph 1 in the form provided for this purpose and submits a declaration in accordance with Section 4 Paragraph. 2 submitted. Section 6 paragraph 4 does not apply.</p>
<p>§ 16 Sonderverteilung für Urheber</p> <p>1. Alle drei Jahre wird eine Sonderverteilung auf der Basis von Meldungen durchgeführt. An dieser Sonderverteilung können teilnehmen:</p> <p>a) Urheber von Büchern (soweit es sich nicht um wissenschaftliche oder Fach- oder Sachliteratur handelt), die über einen zusammenhängenden Zeitraum von jeweils drei Jahren keine Ausschüttungen in der Sparte Bibliothekstantieme öffentliche Bibliotheken erhalten haben;</p> <p>b) Urheber von belletristischen Texten und Beiträgen in Anthologien und literarischen Zeitschriften (soweit es sich nicht um wissenschaftliche, Fach-, oder</p>	<p>§ 16 Special distribution for authors</p> <p>1. A special distribution based on reports is carried out every three years. The following can take part in this special distribution:</p> <p>a) Authors of books (unless they are scientific, specialist or non-fiction literature) who have not received any distributions in the library royalty category for public libraries over a continuous period of three years;</p> <p>b) Authors of literary texts and contributions in anthologies and literary magazines (as long as they are not scientific, specialist or popular magazines or daily newspapers) regardless of the amount of their annual distributions.</p>

<p>Publikumszeitschriften oder Tageszeitungen handelt) unabhängig von der Höhe ihrer alljährlichen Ausschüttungen.</p> <p>2. Jeder an dieser Sonderverteilung teilnehmende Berechtigte erhält den Sockelbetrag gemäß § 15 Abs. 1a) sowie – als Urheber eines oder mehrerer in einem Sammelwerk erschienenen Beiträge – 10 % der auf dieses Sammelwerk gemäß § 15 Abs. 1 b) und Abs. 2 entfallenden Ausschüttungssumme für das laufende sowie die beiden vorangegangenen Jahre. Übersteigt die auf dieser Basis errechnete Ausschüttungssumme für die gemeldeten Beiträge die Summe der regulären Ausschüttungen für das laufende sowie die beiden vorangegangenen Jahre, erhält der Berechtigte den Differenzbetrag.</p>	<p>2. Each person entitled to participate in this special distribution receives the basic amount in accordance with Section 15 Paragraph 1a) and - as the author of one or more contributions published in a collective work - 10% of the amount on this collective work in accordance with Section 15 Paragraph 1 b ) and paragraph 2, the distribution amount for the current and the two previous years. If the total distribution calculated on this basis for the reported contributions exceeds the total of the regular distributions for the current and the two previous years, the beneficiary will receive the difference.</p>
<p>§ 17 Ausschüttung für Tonträger produzierende Verlage (§ 85 UrhG)</p> <p>1. Eine individuelle Ausschüttung erfolgt an solche Verlage, die i.S. von § 85 UrhG Tonträger mit Sprachwerken (insbes. sog. Hörbücher, Sprachlehrgänge u.ä.) herstellen und die keinen Wahrnehmungsvertrag mit der Gesellschaft zur Verwertung von Leistungsschutzrechten (GVL) abgeschlossen haben.</p> <p>2. Das Aufkommen aus der Bibliothekstantieme wird an diese Verlage wie folgt ausgeschüttet:</p> <p>a) 20 % der gesamten Ausschüttungssumme werden dergestalt verteilt, dass jeder berechtigte Verlag einen gleichhohen Sockelbetrag erhält.</p> <p>b) Der Rest wird im Wege der Hochrechnung aufgrund einer verlagsbezogenen Ausleihstatistik verteilt.</p> <p>3. § 15 Abs. 2 und 3 gelten entsprechend.</p>	<p>§ 17 Distribution for publishers producing sound recordings (§ 85 UrhG)</p> <p>1. An individual distribution will be made to those publishers who are in accordance with of § 85 UrhG produce sound recordings with language works (especially so-called audio books, language courses, etc.) and who have not concluded a rights agreement with the Society for the Exploitation of Ancillary Copyrights (GVL).</p> <p>2. The proceeds from the library royalties will be distributed to these publishers as follows:</p> <p>a) 20% of the total distribution amount will be distributed in such a way that every eligible publisher receives an equal base amount.</p> <p>b) The remainder is distributed by extrapolation based on publisher-related lending statistics.</p> <p>3. Section 15 paragraphs 2 and 3 apply accordingly.</p>
<p>II. Wissenschaftliche und Fachbibliotheken § 18 Aufteilung</p> <p>Das Aufkommen aus der Sparte Bibliothekstantieme für Ausleihen in wissenschaftlichen und Fachbibliotheken wird wie folgt verteilt:</p> <p>1. 15 % gelangen in die Ausschüttung für Beiträge in wissenschaftlichen und Fachzeitschriften. Dieser Anteil wird entsprechend den Regelungen für die</p>	<p>II. Scientific and specialist libraries § 18 Division</p> <p>The revenue from the library royalty division for loans in academic and specialist libraries is distributed as follows:</p> <p>1. 15% goes into the distribution for contributions to scientific and specialist journals. This share will be distributed in accordance with the regulations for distribution in the area of reproduction of</p>

<p>Verteilung in der Sparte Vervielfältigung von stehendem Text gemäß §§ 50, 51 verteilt. 2. Der verbleibende Rest gelangt in die Ausschüttung für wissenschaftliche sowie Fach- und Sachbücher. Dieser Anteil wird entsprechend den Regelungen für die Verteilung in der Sparte Vervielfältigung von stehendem Text gemäß § 48 verteilt.</p>	<p>standing text in accordance with Sections 50 and 51. 2. The remaining amount goes into the distribution for scientific, specialist and non-fiction books. This share will be distributed in accordance with the regulations for distribution in the area of reproduction of standing text in accordance with Section 48.</p>
---	---

### 73 DISTRIBUTION RULES FOR IMAGE CREATORS

Published under:

[https://www.bildkunst.de/fileadmin/user\\_upload/downloads/Verteilungsplan/Verteilungsplan\\_VG\\_BK\\_2309\\_Web.pdf](https://www.bildkunst.de/fileadmin/user_upload/downloads/Verteilungsplan/Verteilungsplan_VG_BK_2309_Web.pdf)

## 74 COUNTRY REPORT GREECE

### 75 ADDITIONAL SYSTEM INFORMATION

- The system has not distributed any remuneration yet. In Greek law, public lending used to be an exclusive right until 2017. An amendment to copyright law was passed in 2017, but no equitable remuneration was fixed. An envisaged presidential decree that should have fixed the terms was not issued, a commission had been working on the remuneration meanwhile, with the Ministry of Culture, OSDEL as the relevant CMO, as well as publishers' and authors' association taking part in the process. In transposing the DSM Directive into national law, it was decided to proceed in a more flexible and faster way by passing a ministerial decree for fixing the payment details involving the ministry of finance, culture, education and internal affairs (for municipality libraries).<sup>77</sup>
- All public libraries are included by the public lending right, but academic libraries as well as school libraries are exempt from payment.
- The Greek PLR system will cover only publication (print), but no e-lending. In the relevant law, no reference to a restriction of lending to physical copies is made, however, leaving this topic open to clarification by European courts.
- The new scheme fixes the remuneration in statutory law and will be 350,000 € as a flat fee for all rightsholders per year. This sum has been determined in the commission procedure involving all stakeholders and takes into account all criteria developed following the criteria contained in the VEWA judgment.
- Libraries deliver loan data covering title and number of loan information for purposes of distribution.
- Visual artists shall receive remuneration, but still it is unclear whether this covers a share only for co-author illustrators or also illustration of cover art.
- Film producers have to license the lending of films in libraries, but screenwriters and performers receive a remuneration in case the work is on loan.

### 76 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- The decree still needed is to be signed in March 2024.

### 77 BEST PRACTICES IN THE COUNTRY

- The criteria considered for payment of PLR by the government include a high number of factors (number of books etc., but also cultural aims). This is deemed to provide for adequate support of the book sector, especially for the authors.

### 78 LEGAL PROVISION IN NATIONAL LAW

#### Greek Copyright Act

Original Wording	Translation <sup>78</sup>
	Article 3 Economic Rights

<sup>77</sup> Information given in Interview by George Zannos, OSDEL, January 22, 2024.

<sup>78</sup> [https://opi.gr/images/yliko/n\\_2121\\_1993\\_en.pdf](https://opi.gr/images/yliko/n_2121_1993_en.pdf)

	<p>(1) The economic rights shall confer upon the authors notably the right to authorize or prohibit: [...] e) the rental or public lending concerning the original or copies of their works. Such rights shall not be exhausted by any sale or other act of distribution of the original or copies thereof. Such rights shall not apply to architectural works and works of applied art. The rental and public lending shall have the meaning provided by the Council Directive 92/100 of 19 November 1992 (Official Journal of the European Communities No. L 346/61-27.11.1992)</p>
--	---

## 79 DISTRIBUTION RULES

Book Publishers receive a share of 30%. Authors and other creators share 70% of the remuneration.

Discussion between the relevant CMOs has started about internal distribution.

## 80 COUNTRY REPORT GREENLAND

### 81 ADDITIONAL SYSTEM INFORMATION

- Greenland introduced PLR in the National Library Act, 1993. Legislation is independent of Denmark and mostly not published online in English.
- The system is governed by the National Library.
- PLR is calculated on the basis of Stock count.
- Publications must be in Greenlandic or translated into Greenlandic.
- Eligible material contains books and audio-books of more than 32 pages.
- Eligible Recipients are authors, illustrators, translators.
- In Greenland, the National Library and other Greenlandic libraries are covered.

### 82 RESOURCES FOR FURTHER RESEARCH

<https://plrinternational.com/established>

### 83 LEGAL PROVISION IN NATIONAL LAW

National Library Act, 1993

## 84 COUNTRY REPORT HUNGARY

### 85 ADDITIONAL SYSTEM INFORMATION

- The Department for Culture of EMMI (Ministry of Human Capacities) provides for governmental funding. The amount of the royalty is determined in the Act on the Central Budget of Hungary under the section “Support for public library royalties and artistic pension benefits”.
- The Copyright Act covers rental and lending rights for all types of works, in case of works of architecture and applied arts, this covers the design plan only as an exclusive right. PLR covers authors of literary works and sheet music only.
- The Hungarian Literary Authors’ Rights Protection and Rights Management Association MISZJE (Magyar Irodalmi Szerzői Jogvédő és Jogkezelő Egyesület) governs the system for rightholders, regardless of whether they are members or not. MISZJE was founded by ten literary NGOs. These are the following: The Round Table of Hungarian Playwrights, Society of Young Writers (FISZ), Hungarian Trade Union of Writers, József Attila Circle – Literary Association of Young Writers (JAK), Hungarian Association of Artists – Section of Literature, The Society of Hungarian Writers, The Hungarian Association of Writers, The Hungarian Association of Literary Translators (MEGY), Hungarian Pen Club, Belletrist Association Society.
- The system covers public libraries, county, city, village and university libraries.
- The Society collects loan data from public libraries every year and selects the range of sample libraries (minimum twelve, maximum twenty libraries), and after processing their data calculates the amount of PLR payment for each author (writer, translator or editor).
- Authors receive PLR for fiction, non-fiction, scientific, journalistic works. However, MISZJE identifies 50,000 authors every year from the loan data delivered by libraries, authors register after identification and sign a contract of representation in order to be paid. As contact data is often not on record, the CMO finds the identification process extremely time consuming and expensive – which is regarded not effective given the rather small PLR sum to be distributed.
- In 2022, HUF 160,000,000 (0,443 Mio. USD) were paid in total for PLR.
- Only sums above 10,000 HUF (27,66 USD) are paid out (threshold of payable amounts), a cap of 250,000 HUF (691,62 USD) applies.

### 86 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- Sheet music was included in the PLR system in 2022.<sup>79</sup>

### 87 RESOURCES FOR FURTHER RESEARCH

<http://miszje.hu/en/main-page/>

### 88 LEGAL PROVISION IN NATIONAL LAW

#### Hungarian Copyright Act

Original Text <sup>80</sup>	Translation <sup>81</sup>
23. §	The Right of Distribution

<sup>79</sup> [https://kjk.szttnh.gov.hu/sites/default/files/jogdijkozlemeny\\_2022.pdf](https://kjk.szttnh.gov.hu/sites/default/files/jogdijkozlemeny_2022.pdf)

<sup>80</sup> <https://www.wipo.int/wipolex/en/text/577881>

<sup>81</sup> <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/hu/hu035en.pdf>



<p>(1) A szerző kizárólagos joga, hogy a művét terjessze, és hogy erre másnak engedélyt adjon. Terjesztésnek minősül a mű eredeti példányának vagy többszörözött példányainak a nyilvánosság számára történő hozzáférhetővé tétele forgalomba hozatallal vagy forgalomba hozatalra való felkínálással.</p>	<p>23.—(1) The author shall have the exclusive right to distribute his work and to authorize others thereof. The making accessible to the public of the original copy or their produced copies of the work through putting into circulation or their offer for putting into circulation shall be taken to mean distribution.</p>
<p>(2)27 A terjesztés magában foglalja különösen a műpéldány tulajdonjogának átruházását és a műpéldány bérbeadását, valamint a műpéldánynak az országba forgalomba hozatali céllal történő behozatalát. A terjesztés jogának megsértését jelenti a mű jogsértéssel előállított példányának kereskedelmi céllal történő birtoklása is, ha a birtokos tudja vagy neki az adott helyzetben általában elvárható gondosság mellett tudnia kellene, hogy a példány jogsértéssel állt elő.</p>	<p>(2)27 Distribution includes, in particular, the transfer of the ownership of the copy and the rental of the copy, as well as the importation of the copy into the country for the purpose of placing it on the market. The possession of an infringing copy of the work for commercial purposes also constitutes a violation of the right of distribution, if the owner knows or should have known, with the care normally expected in the given situation, that the copy was infringing.</p>
<p>3)28 A terjesztés joga kiterjed a mű egyes példányainak a nyilvánosság részére történő haszonkölcsönbe adására is. A hangfelvételben foglalt művek szerzői e jogukat a 78. § (2) bekezdésének megfelelően gyakorolhatják. A filmalkotások szerzői e jogukat szintén csak közös jogkezelés útján gyakorolhatják, díjukról csak a felosztás időpontját követő hatállyal, a rájuk jutó összeg erejéig mondhatnak le.</p>	<p>3)28 The right of distribution also extends to lending individual copies of the work to the public. The authors of the works included in the audio recording may exercise this right in accordance with § 78, paragraph (2). The authors of the film works can also exercise this right only through joint rights management, and they can only waive their fees with effect from the date of the distribution, up to the amount they are entitled to.</p>
<p>(4) A bérbeadással történő terjesztés joga az építészet, az iparművészet és az ipari tervezőművészet körében csak a tervekre vonatkozik.</p>	<p>(4) The right of distribution by rental applies only to plans in the field of architecture, industrial art and industrial design art.</p>
<p>(5)29 Ha a műpéldányt a jogosult vagy az ő kifejezett hozzájárulásával másvalaki adásvétellel vagy a tulajdonjog más módon történő átruházásával az Európai Gazdasági Térségben forgalomba hozta, a terjesztés joga az így forgalomba hozott műpéldány tekintetében – a bérbeadás, a haszonkölcsönbe adás és a behozatal joga kivételével – a továbbiakban nem gyakorolható.</p>	<p>(5)29 If the copyrighted work has been put on the market in the European Economic Area by the right holder or with his express consent by someone else by sale or transfer of ownership in another way, the right of distribution with respect to the copy put on the market in this way – the right to lease, lend for profit and import except - it can no longer be exercised.</p>
<p>(6)30 Ha a szerző a filmalkotásra vagy a hangfelvételben foglalt műre vonatkozó bérbeadási jogát a film vagy a hangfelvétel előállítójára ruházta, vagy egyébként</p>	<p>(6) 30 If the author has assigned the right to rent the film or the work included in the sound recording to the producer of the film or sound recording, or has otherwise</p>

<p>engedélyezte számára e jog gyakorlását, a mű bérbeadással történő terjesztése ellenében továbbra is megfelelő díjazást követelhet a film vagy a hangfelvétel előállítójától. E díjról a szerző nem mondhat le, díjigényét azonban csak közös jogkezelő szervezet útján érvényesítheti.</p> <p>(7)31</p>	<p>allowed him to exercise this right, he may still demand appropriate remuneration from the producer of the film or sound recording in exchange for the distribution of the work by rental . The author cannot waive this fee, but he can only assert his fee claim through a joint rights management organization.</p> <p>(7) 31</p>
--	--

## 89 COUNTRY REPORT ICELAND

### 90 ADDITIONAL SYSTEM INFORMATION

- The Act on the Library Fund came into force in 2007. According to Act 91/2007, the annual contribution from the treasury is allocated to writers, translators, illustrators and other rights holders who have books in the National Library, the university library, public libraries, school libraries, and libraries of institutions sponsored by the treasury or local authorities.<sup>82</sup>
- Writers, translators, videographers, composers and surviving spouses of beneficiaries or children (under the age of 18) of deceased beneficiaries can apply to the fund and be paid annually based on the lending of works.
- Authors and rightsholders who are nationals or residents of a country within the European Economic Area are eligible for remuneration. Registration with the governing institution is necessary.
- Books must have a minimum of 36 pages, except for children's books where no restrictions apply. Eligible books may not have more than 3 authors. Editors, authors of forewords and introductory texts are not covered by the attribution rules. Periodicals and works in languages other than Icelandic are excluded.
- Audiobooks are assigned in the same way as regular books. Content on videos, audio cassettes or CDs does not confer the right to distribution. It is disputed whether audiobooks for streaming are included in the system. Publishers deem them to be excluded. International audiobooks are included.<sup>83</sup>
- Due to cultural policy, heirs do not receive an amount, this does not apply for spouses and children under 18 receiving 50% of the PLR sum. The exclusion of heirs of a creator has been introduced to concentrate funding on contemporary, "living" authors.
- Illustrators as co-authors are eligible, there is no share for cover art or licensed image material in the book, however.
- The total amount paid is set by the ministry without a calculation being fixed in the law or directly dependent on the number of loans.
- The system is governed by a committee therein represented are the Writers' Association of Iceland for the fiction authors, the association of authors of non-fiction and teaching materials (Hagþenkir) and Myndstef for the visual artists.
- Distribution is affected based on lending figures from the National Library System and the Audio Library of Iceland. In 2022, a total sum of ISK 178,943,234, equaling about 1.312.574 USD, 942 authors/rightsholders received payment. The minimum payment was ISK 8,453 (62 USD). Payment per lending was ISK 147.9 (1,08 USD).

### 91 BEST PRACTICES IN THE COUNTRY

- Stakeholders believe the system to be well suited for smaller countries with smaller languages as it favors literary writers in the national language and provides for a high remuneration.

### 92 RESOURCES FOR FURTHER RESEARCH

[Bókasafnsgreiðslur - Rithöfundasamband Íslands \(rsi.is\)](https://rsi.is/bokasafnagreiðslur/)

---

<sup>82</sup> <https://rsi.is/bokasafnagreiðslur/>

<sup>83</sup> Information given in interview by Ragnheiður Tryggvadóttir, Ris on January 22, 2024.

93 LEGAL PROVISION IN NATIONAL LAW

Lög um bókmenntir

Law no. 91/2007 with subsequent amendments and rules no. 323/2008.

Original Wording <sup>84</sup>	Machine Translation by Google Translate
<p>III. kafli. Greiðslur fyrir afnot á bókasöfnum. [7. gr.] 1)</p> <p>Höfundar sem eru ríkisborgarar eða búsettir í landi innan Evrópska efnahagssvæðisins eiga rétt á greiðslum fyrir notkun bóka þeirra á bókasöfnum, sem eru rekin á kostnað ríkissjóðs eða sveitarfélaga, af árlegri fjárveitingu Alþingis fyrir afnot á bókasöfnum. Hér er bæði átt við útlán og afnot bóka á lestrarsölum bókasafna.</p> <p>Rétt til úthlutunar samkvæmt þessari grein eiga rithöfundar, þýðendur, myndhöfundar og tónskáld, auk annarra einstaklinga sem átt hafa þátt í ritun bóka, enda hafi bækur þeirra verið gefnar út á íslensku, nema um sé að ræða þýðingu eða endursamið verk, endursögn eða staðfærslu á texta úr erlendu máli, og framlag þeirra sé skráð hjá Landskerfi bókasafna eða á annan sannanlegan hátt. Fyrir afnot hljóðrita og stafræns útgefins efnis er úthlutað á sama hátt. Þýðendur og þeir sem enduryrkja, endursegja eða staðfæra erlendar bækur á íslensku eiga þó rétt til úthlutunar samkvæmt þessari grein sem nemur tveimur þriðju af fullri úthlutun. Aðrir réttihafar eiga rétt á óskertri úthlutun. Réttur til úthlutunar samkvæmt þessari grein er persónulegur réttur sem er bundinn við framangreinda réttihafa og fellur niður við framsal höfundaréttar, hvort sem um er að ræða framsal að hluta eða að öllu leyti.</p> <p>Rétt til úthlutunar skv. 2. mgr. eftir andlát réttihafa eiga eftirlifandi maki eða eftirlifandi sambúðaraðili, enda hafi sambúð staðið í fimm ár hið skemmsta, eða börn yngri en 18 ára, enda sé hitt foreldrið látið eða njóti ekki réttar samkvæmt lögum þessum. Séu framangreindir vandamenn fleiri en einn skiptist úthlutunin jafnt á milli þeirra. Réttihafar samkvæmt þessari málsgrein fá</p>	<p>III. Chapter Payments for use of libraries. [7. Article] 1)</p> <p>Authors who are nationals or residents of a country within the European Economic Area are entitled to payments for the use of their books in libraries, which are run at the expense of the state treasury or municipalities, from the annual budget of Alþingi for the use of libraries. This refers to both the lending and use of books in library reading rooms.</p> <p>Writers, translators, illustrators and composers, as well as other persons who have participated in the writing of books, have the right to be assigned according to this article, provided that their books have been published in Icelandic, unless it is a translation or recomposed work, a retelling or localization of text from a foreign language, and their contribution is registered with the National Library System or in another verifiable way. For the use of audio recordings and digitally published material, the allocation is made in the same way. Translators and those who reproduce, retell or localize foreign books in Icelandic are, however, entitled to an allocation according to this article, which amounts to two-thirds of the full allocation. Other beneficiaries are entitled to an unreduced allocation. The right to assignment according to this article is a personal right that is limited to the above-mentioned right holders and ceases when the copyright is transferred, whether it is a transfer in part or in full.</p> <p>Right to allocation according to Paragraph 2 after the death of the beneficiary, the surviving spouse or surviving cohabitant, provided that the relationship has lasted for at least five years, or children under the age of 18, provided that the other parent is deceased or does not enjoy rights according to this law. If there is more than</p>

<sup>84</sup> <https://www.althingi.is/lagas/nuna/2007091.html>

<p>aðeins helming af þeirri greiðslu sem réttþafa skv. 2. mgr. hefði borið.</p> <p>Greiðslur fyrir útlán bóka skulu byggðar á upplýsingum frá Landskerfi bókasafna. Við úthlutun á greiðslum fyrir afnot bóka á lestrarsölum bókasafna er heimilt að meta fjölda titla og eintaka bóka hvers höfundar, sem eru til afnota á lestrarsölum bókasafna, sem jafngildi tiltekins fjölda útlána á grundvelli stigagjafar þar sem tekið er tillit til tegundar, umfjöllunarefnis eða lengdar bóka.</p> <p>1) L. 137/2012, 1. gr.</p>	<p>one of the aforementioned family members, the allocation is divided equally between them. Beneficiaries according to this paragraph will receive only half of the payment that beneficiaries according to Paragraph 2 would have worn</p> <p>Payments for lending books must be based on information from the National Library System. When allocating payments for the use of books in library reading rooms, the number of titles and copies of books by each author, which are available for use in library reading rooms, may be assessed as equivalent to a certain number of loans on the basis of a scoring system that takes into account the type, topic or length of books.</p> <p>1) L. 137/2012, Article 1</p>
<p>[8. gr.]1) Úthlutunarnefnd annast úthlutun skv. [7. gr.] 2) Í nefndinni eiga sæti fimm menn skipaðir til þriggja ára af [ráðherra]. 3) Af þeim skulu Hagþenkir – félag höfunda fræðiritna og kennslugagna, Rithöfundasamband Íslands og Myndstef tilnefna einn fulltrúa hvert. Tveir nefndarmenn skulu skipaðir án tilnefningar og skal annar þeirra vera formaður. Varamenn skulu skipaðir með sama hætti. Sömu menn skulu ekki skipaðir oftar en tvö samfelld tímabil í úthlutunarnefnd.</p> <p>[Ráðherra] 3) setur sérstakar reglur 4) um umsóknir og úthlutun skv. [7. gr.] 2) Heimilt er í þeim reglum að setja lágmark á greiðslur úr sjóðnum þannig að eingöngu þeir höfundar sem ávinna sér greiðslur umfram tilskilið lágmark eigi rétt til greiðslna úr sjóðnum.</p> <p>Ákvarðanir um úthlutun verða ekki kærðar til æðra stjórnvalds. Heimilt er [ráðherra] 3) að fela úthlutunarnefnd skv. 1. mgr. að semja við til þess bæra aðila að annast umsýslu umsókna og greiðslur til réttþafa skv. 2. og 3. mgr. [7. gr.] 2)</p>	<p>[8. Article]1) The allocation committee handles allocation according to [7. art.] 2) The committee consists of five people appointed for three years by [the minister]. 3) Of these, Hagþenkir - the association of authors of non-fiction and teaching materials, the Writers' Association of Iceland and Myndstef shall nominate one representative each. Two committee members shall be appointed without nomination and one of them shall be the chairman. Deputies shall be appointed in the same way. The same people shall not be appointed more than two consecutive periods in the allocation committee.</p> <p>[Minister] 3) sets special rules 4) on applications and allocation according to [7. Art.] 2) In those rules, it is permitted to set a minimum for payments from the fund so that only those authors who earn payments in excess of the required minimum are entitled to payments from the fund.</p> <p>Decisions on allocation will not be appealed to a higher authority. The [minister] is allowed 3) to assign an allocation committee according to Paragraph 1 to negotiate with the competent party to handle the administration of applications and payments to beneficiaries according to Paragraphs 2 and 3 [7. Article] 2)</p> <p>Fees for the allocation committee and other costs for the committee's work are paid from</p>

<p>Þóknun til úthlutunarnefndar og annar kostnaður við störf nefndarinnar greiðist af árlegri fjárveitingu Alþingis fyrir afnot á bókasöfnum.</p> <p>1)L. 137/2012, 1. gr. 2)L. 137/2012, 2. gr. 3)L. 126/2011, 469. gr. 4) Rgl. 323/2008. Rgl. 250/2021.</p>	<p>Parliament's annual budget for the use of libraries.</p> <p>1) L. 137/2012, Article 1 2) L. 137/2012, Article 2 3) L. 126/2011, Article 469 4) Reg. 323/2008. Org. 250/2021.</p>
---	---

#### 94 DISTRIBUTION RULES

- The reported number of loans is divided by the available amount paid, resulting in a specific ISK figure per loan. Translators receive 2/3 of the original author's payment and heirs receive half of the author's payment.
- If there is more than one author (e.g. writer and illustrator), the right to distribution is divided according to their agreement. The Allocation Committee proposes more specific division as a basis. Rightsholders may agree otherwise and report this to the Committee.<sup>85</sup>

<sup>85</sup> <https://rsi.is/bokasafnagreidslur/>

## 95 COUNTRY REPORT IRELAND

### 96 ADDITIONAL SYSTEM INFORMATION

- The Scheme was set up in 2007 and covers all authors who are resident in the EEA.<sup>86</sup>
- Introduced by the Copyright Bill 2007, Public Lending Right in Ireland was established by the Copyright and Related Rights (Amendment) Act 2007. The Act enabled the Minister for the Environment, Heritage and Local Government to establish a Public Lending Remuneration scheme. A further regulation establishing the scheme, Statutory Instrument No. 597 dates from 2008.<sup>87</sup> The Local Government Administration responsible for libraries has not linked the total sum paid under the scheme to the actual number of loans which is criticized by the responsible CMO.<sup>88</sup>
- Individual books must be registered to receive payment based on the number of loans made by public libraries. New titles must be registered by 30th June for payment in the following calendar year.
- Books exempt from the system:
  - o Books published by body corporates or unincorporated associations;
  - o Books which are wholly or mainly a musical score;
  - o Books that have not been offered for sale to the public;
  - o Serial publications including newspapers, magazines, journals or periodicals.<sup>89</sup>
- Whereas the system was governed by the Irish Library Council between 2009 to 2012, after December 2012 enhanced cooperation with the UK system was affected. Irish PLR payments to Irish resident authors are made in February each year alongside with payments for Public Lending from the UK scheme to authors residing in Ireland.
- Based on a service agreement between ICLA and PLR UK dating from 2012, registration with the British scheme allows registration for Irish lending in a one-stop-shop and facilitates payment and statements (in Euro) directly from the UK scheme.<sup>90</sup>
- The minimum payment is £1 and the maximum is £6,600.<sup>91</sup>
- ICLA, the governing CMO, currently also receives Public Lending Right remuneration under reciprocal agreements for Irish-resident authors from PLR schemes in Austria, France, Lithuania, and the Netherlands. Remuneration from these countries does not require registration.<sup>92</sup>

### 97 BEST PRACTICES IN THE COUNTRY

- Detailed and transparent Regulations.<sup>93</sup>
- Loan based system with good accuracy.
- Close connection with the British Library system provides for cost effective administration.
- Coverage of international library lending by reciprocal agreements

---

<sup>86</sup> <https://www.icla.ie/authors-publishers/authors>

<sup>87</sup> <https://www.icla.ie/authors-publishers/authors>

<sup>88</sup> Interview Information given by Samantha Holman, ICLA on January 19, 2024.

<sup>89</sup> Art. 7 Copyright and Related Rights (Public Lending Remuneration Scheme) Regulations 2008, <https://www.wipo.int/wipolex/en/text/429800>

<sup>90</sup> Interview Information given by Samantha Holman, ICLA on January 19, 2024.

<sup>91</sup> <https://www.icla.ie/authors-publishers/authors>

<sup>92</sup> Interview Information given by Samantha Holman, ICLA on January 19, 2024.

<sup>93</sup> Copyright and Related Rights (Public Lending Remuneration Scheme) Regulations 2008, <https://www.wipo.int/wipolex/en/text/429800>

98 MAIN RESOURCES FOR FURTHER RESEARCH

<https://www.icla.ie/authors-publishers/authors>

99 LEGAL BASIS

The Copyright Bill 2007 introduced the framework for a Public Lending Right Scheme in Ireland in November 2007. Public Lending Right in Ireland was established by the Copyright and Related Rights (Amendment) Act 2007. The Act enabled the Minister for the Environment, Heritage and Local Government to establish a Public Lending Remuneration scheme. Copyright and Related Rights Act 2000 (No. 28 of 2000) (as inserted by section 7 of the Copyright and Related Rights (Amendment) Act 2007 (No. 39 of 2007))<sup>94</sup>

Section 42.

(1) References in this Part to “rental” or “lending” shall be construed as including references to the rental or lending of:

- a) a literary, dramatic or musical work, film or original database;
- b) an artistic work, other than—
  - i. a work of architecture in the form of a building or a model for a building, or
  - ii. a work of applied art;
- c) a sound recording; or
- d) a typographical arrangement of a published edition

and shall not include, in the case of a computer program, rentals where the program itself is not the essential object of the rental.

(2) In this Part, subject to subsection (3)—

- a) “rental” means making a copy of a work available for use, on terms that it is to be or may be returned after a limited period of time, for direct or indirect economic or commercial advantage, and
- b) “lending” means making a copy of a work available for use, on terms that it is to be or may be returned after a limited period of time, otherwise than for direct or indirect economic or commercial advantage, through an establishment to which members of the public have access.

(3) References in this Part to “rental” or “lending” shall not include the making available of copies of a work for the purposes of—

- a) performing, playing or showing in public, broadcasting or inclusion in a cable programme service,
- b) exhibition in public, or
- c) on the spot reference use.

(4) The making of a copy of a work available between establishments to which members of the public have access shall not infringe the copyright in the work.

(5) For the purpose of this section, where lending by an establishment to which members of the public have access gives rise to a payment the amount of which does not exceed that which is necessary to cover the operating costs of the establishment, there is no direct or indirect economic or commercial advantage.

(6) (a) There shall be a right of the owner of copyright to rent copies of a work or to authorise others to do so which shall be known and in this part referred to as the “rental right”.

<sup>94</sup> <https://www.wipo.int/wipolex/en/text/520187>



(b) There shall be a right of the owner of copyright to lend copies of a work or to authorise others to do so which shall be known and in this part referred to as the “lending right”.

[2000.] Copyright and Related Rights Act, [No. 28.] 2000.

Copyright and Related Rights (Public Lending Remuneration Scheme) Regulations 2008, Statutory Instrument No. 597 of 2008<sup>95</sup>

I, MICHAEL KITT, Minister of State at the Department of the Environment, Heritage and Local Government, in exercise of the powers conferred on me by section 42A of the Copyright and Related Rights Act 2000 (No. 28 of 2000) (as inserted by section 7 of the Copyright and Related Rights (Amendment) Act 2007 (No. 39 of 2007)); section 79 of the Local Government Act 2001 (No. 37 of 2001), as amended by section 14 of the Copyright and Related Rights (Amendment) Act 2007 and the Environment, Heritage and Local Government (Delegation of Ministerial Functions) Order 2008 (No. 226 of 2008), make the following Regulations:

Part I

Title and interpretation

Article 1: Citation and extent

These Regulations may be cited as the Copyright and Related Rights (Public Lending Remuneration Scheme) Regulations 2008

Article 2: General definitions

In these Regulations, except where the context otherwise requires—

- “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2 May 1992, as adjusted by the Protocol signed at Brussels on 17 March 1993 and as amended from time to time;
- “eligible author”, in relation to an eligible book, means an author of that book who is an eligible person;
- “eligible book” has the meaning assigned thereto in Article 7;
- “eligible person”, in relation to an author, has the meaning assigned thereto in

Article 5;

- “financial year” means a period of twelve months ending on 31 December in any year;
- “identifying number” means the number entered in the Register in pursuance of Article 9(2);

[597] 3

- “library authority” has the meaning assigned thereto by section 77(1) of the Local Government Act 2001 (No. 37 of 2001);
- “Member State of the EEA” means a state which is a contracting state to the EEA Agreement;
- “Minister” means the Minister for the Environment, Heritage and Local Government;
- “posthumously eligible book” has the meaning assigned thereto by Article 8;
- “posthumously eligible person” has the meaning assigned thereto by Article 6;
- “public library” has the meaning assigned thereto by section 42A(5) of the

Copyright and Related Rights Act 2000 (No. 28 of 2000), as inserted by the Copyright and Related Rights (Amendment) Act 2007 (No. 39 of 2007);

- “qualifying works” means the class of works so declared in Article 3(2);
- “Register” means the register established under Article 9(1);
- “registered interest” means the interest (being the whole or a share thereof), in the Public Lending Remuneration Scheme in respect of a particular book, shown on the Register as belonging to a particular person, and “registered owner” means the person for the time being so registered;
- “Registrar” means the person designated by the Minister in accordance with Article 9(4);

<sup>95</sup> <https://www.wipo.int/wipolex/en/text/429800>

- “registry” means the place at which the Register is for the time being maintained in pursuance of Article 9.

## Part II

### Books and authors eligible under the scheme

#### Article 3: Purpose of Regulations

(1) For the purposes of section 42A of the Copyright and Related Rights Act, 2000 (No. 28 of 2000) (as inserted by section 7 of the Copyright and Related Rights (Amendment) Act 2007 (No 39 of 2007), the Minister hereby establishes a Scheme to be known as the Public Lending Remuneration Scheme (hereinafter referred to as “the Scheme”) to remunerate authors, out of moneys voted by the Oireachtas for the purpose, for the lending by public libraries of qualifying works and references to the Scheme in these Regulations may be construed as references to these Regulations and vice versa.

(2) It is hereby declared that the class of works qualifying for the Scheme shall be eligible books and posthumously eligible books within the meaning of Articles 7 and 8 respectively.

#### Article 4: Authors

(1) A person shall be treated as an author of a book for the purpose of this Scheme if he or she is either—

- a) a writer of the book;
- b) a translator of the book;
- c) an editor or compiler of the book, who has contributed more than ten per cent of the contents of the book or more than ten pages of the contents, whichever is the less; or
- d) an illustrator of the book, which for this purpose includes the author of a photograph.

(2) Notwithstanding paragraph (1), a person shall not be treated as an author of a book unless the fact that the person is an author within the meaning of paragraph (1) is evidenced by—

- a) the person being named on the title page of the book; or
- b) the person’s entitlement to a royalty payment from the publisher in respect of the book; or
- c) in the case of a book without a title page, by the person being named elsewhere in the book and in the view of the Registrar his or her contribution to the book was such that he or she would have merited a mention on the title page had there been one, or
- d) by a statement, signed by all the other authors of the book in respect of whom the fact that they are authors of the book is evidenced in accordance with paragraphs (a) to (c), that the person’s contribution to the book was such that it is appropriate that he or she should be treated as an author of the book and the Registrar is satisfied that it is appropriate so to treat him or her.

#### Article 5: Eligible persons

For the purposes of these Regulations and in relation to each application by a person relating to an eligible book, the applicant is an eligible person if he or she is an author (within the meaning of Article 4) of that book, who, at the date of the application, is a citizen or subject of a Member State of the EEA or is an individual domiciled or ordinarily resident in a Member State of the EEA.

#### Article 6: Posthumously eligible persons

For the purposes of the Regulations and in relation to each application relating to a posthumously eligible book, an author who is dead is a posthumously eligible person if, had he or she been an applicant for first registration under the Public Lending Remuneration Scheme in relation to that book at the date of his or her death, he or she would have been an eligible person in accordance with Article 5.

#### Article 7: Eligible books

(1) For the purposes of this Scheme, an eligible book is a book (as defined in paragraph (2) the sole author, or at least one of the authors, of which is an eligible person; and there shall be treated as a separate book each volume of a work published in two or more volumes and each new edition of a book.

(2) In paragraph (1) “book” means a printed and bound publication (including a paperback edition) but does not include—

- a) a book bearing, in lieu of the name of an author who is a natural person, the name of a body corporate or an unincorporated association;
- b) a book which is wholly or mainly a musical score;
- c) a book which has not been offered for sale to the public;
- d) a serial publication including, without prejudice to the generality of that expression, a newspaper, magazine, journal or periodical.

#### Article 8: Posthumously eligible books

For the purposes of the Scheme, a book is a posthumously eligible book if—

- a) it is a book within the meaning of article 7(2);
- b) the sole author, or at least one of the authors of the book, is a posthumously eligible person;
- c) the book is a previously unregistered book published during the year before the date of death of the author or up to 10 years after the date of death of the author, providing the author had registered at least one other book pursuant to these Regulations during his or her life time; or
- d) the book is a new edition of a work already registered or forms part of a work already registered pursuant to these Regulations.

### Part III

#### Registration under the Public Lending Remuneration Scheme

##### The Register and Registration

#### Article 9: The Register

(1) The Registrar shall establish and maintain a Public Lending Remuneration Scheme Register at such place as the Minister may from time to time determine, and upon each such determination notice shall be published in *Iris Oifigiúil* of such place and the date of the commencement of registration thereat.

(2) The Register shall contain such particulars of each book registered (including an identifying number) and each author thereof as the Registrar may from time to time deem necessary for the proper administration of the Scheme.

(3) Where a book has two or more authors (including any who are not eligible persons), the Register shall include details of the proportion of Public Lending Remuneration due to each author under the provisions of Article 11.

(4) The Minister hereby designates the Director of An Chomhairle Leabharlanna (The Library Council) as the Registrar.

#### Article 10: Registration

(1) An interest under the Scheme in respect of a book may only be registered—

- a) if the book is an eligible book and application in that behalf is made in accordance with subsection (2);
- b) the book is a posthumously eligible book and application in that behalf is made in accordance with subsection (3).

(2) An application for registration under the Scheme in respect of an eligible book or for renunciation of a registered interest shall be made by an author in such a manner and form as the Registrar may from time to time deem necessary for the proper administration of the Scheme.

(3) An application for registration under the Scheme in respect of a posthumously eligible book or a posthumously eligible person's share of an entitlement shall be made by the personal representatives of the posthumously eligible person concerned and in such a manner and form as the Registrar may from time to time deem necessary for the proper administration of the Scheme and shall include—

- a) In the case of a work by more than one author, a statement that the posthumously eligible person in relation to whom the application is being made was an author of the book and that the claim to Public Lending Remuneration in respect thereof is limited to the applicable percentage prescribed in Article 11; and
- b) Where an application is made by a personal representative who has not previously made an application in relation to that posthumously eligible person, the probate, letters of administration or confirmation of the executor or executors of the posthumously eligible person in relation to whom the application is being made.

(4) The share under the Scheme in a book with two or more authors of an author who was not an eligible person at the time when application was first made for the registration of the share under the Scheme of any co-author may only be registered if—

- a) he or she has become and remains an eligible person, and
- b) application in that behalf is made in accordance with paragraph (1).

(5) Subject to the provisions of paragraph (3), the personal representatives of a posthumously eligible person shall be named in the Register as owner in place of the deceased owner with the addition of the words "executor (or administrator) of (name), deceased".

(6) A registered owner may transfer the share of Public Lending Remuneration due to him or her to any legal or natural person through a written instruction to the Registrar and such transfer shall remain in force until revoked by the registered owner through a written instruction to the Registrar.

(7) Notwithstanding the provisions of paragraphs (1) to (4) above, the Registrar may make administrative arrangements for the efficient operation of the Scheme, including reciprocal arrangements with equivalent registration bodies in other member states of the EEA.

#### Article 11: Shares in Public Lending Remuneration

(1) An eligible person's registered share of Public Lending Remuneration in respect of a book of which he or she is sole author shall be the whole of that Remuneration or, where a book has two or more authors (including any who are not eligible persons), such share of the Public Lending Remuneration as set out in paragraphs (2) to (5) below or as specified in accordance with paragraph (8).

(2) A translator's share of Public Lending Remuneration in respect of a book shall be thirty per cent of that Remuneration, or if there is more than one translator (including any who are not eligible persons), an equal share of thirty per cent.

(3) An editor's or compiler's share of Public Lending Remuneration in respect of a book shall be twenty per cent of that Remuneration, or if there is more than one editor or compiler (including any who are not eligible persons), an equal share of twenty per cent.

(4) An illustrator's share of Public Lending Remuneration in respect of a book shall be twenty per cent of that Remuneration, or if there is more than one illustrator (including any who are not eligible persons), an equal share of twenty per cent.

(5) If a translator, editor, compiler or illustrator satisfies the Registrar that he or she has contributed more to a book than the percentage allocated in paragraphs (2), (3) and (4) above, as applicable, his or her share may be deemed by the Registrar to be a percentage equal to his or her percentage contribution.

(6) Where a book has two or more authors (including any who are not eligible persons) and the Registrar is satisfied that one or more of them is—

- a) dead and his or her interest has not been transferred; or
- b) cannot be traced at the date of application, despite all reasonable steps having been taken to do so, the Public Lending Remuneration shall be apportioned amongst all the authors (including any who are not eligible persons) by the application of paragraphs (1) to (5) above.

(7) Where an author has a registered interest in a book as an author in more than one capacity he or she shall be entitled to a share in respect of each capacity.

(8) Where all the authors (including the personal representatives of a posthumously eligible person) amongst whom the Public Lending Remuneration would otherwise be apportioned as laid out in this Article specify in their original application or jointly notify the Registrar in writing that they wish the remuneration to be apportioned in a manner other than that laid out in this Article, the apportionment specified by them shall apply if the Registrar is satisfied that it is reasonable in that case and for that purpose each of those authors who is alive at the date of application shall be a party to the application, unless the Registrar is satisfied that an author cannot be contacted, despite all reasonable steps having been taken to do so.

(9) Where the number of authors of a book is such that the application of the percentages laid out in paragraphs (1) to (5) above would lead to an amount greater than the whole, and the authors have not specified an apportionment under the provisions of paragraph (8) above, the Registrar shall decide the percentage share of Public Lending Remuneration due to each person having regard to the provisions of paragraphs (1) to (5) above.

(10) The onus will be on the owner of the registered interest or his or her representatives to inform the Registrar of any relevant change of circumstances which may affect the administration or calculation of the payment.

Article 12: Dealings to be affected only on the Register

No registered interest in respect of a particular book shall subsist and no transmission of a registered interest shall be effective until such registered interest or such transmission has been entered in the Register by the Registrar.

Article 13: Register to be conclusive

The Register shall be conclusive as to whether the right to Public Lending Remuneration subsists in respect of a particular book and also as to the persons (if any) who are for the time being entitled to the Remuneration.

Article 14: Amendment of the Register

(1) The Register may be amended pursuant to an order of a court of competent jurisdiction or by the decision of the Registrar in any of the following cases—

- a) in any case and at any time with the consent of the registered interest or interests in respect of a particular book;
- b) where a court of competent jurisdiction or the Registrar is satisfied that an entry in the Register has been obtained by fraud;
- c) where a decision of a court of competent jurisdiction affects any interest in an eligible book and in consequence thereof the Registrar is of the opinion that amendment of the Register is required;
- d) where two or more persons are erroneously registered as being entitled to the same interest in Public Lending Remuneration in respect of a particular book;
- e) where an entry erroneously relates to a book which is not an eligible book;
- f) in any other case whereby reason of any error or omission in the Register, or by reason of any entry made under a mistake, it appears to the Registrar just to amend the Register.

(2) A person who, as a result of an amendment of the Register pursuant to paragraph (1), becomes the registered owner of a registered interest shall be entitled to the payment of Public Lending Remuneration in respect of that interest from the date upon which the Register was amended.

Article 15: Recording of receipt of application the Registrar shall record the date upon which each application for first registration is received by him or her.

Article 16: Completion of registration

(1) When the Registrar is satisfied as to the eligibility of a book for registration and as to the person or persons entitled to Public Lending Remuneration in respect of that book and, where applicable, of their respective shares therein, the registration shall be deemed complete.

(2) On completion of a registration the Registrar shall issue to any person so entered in the Register as having an interest in the Public Lending Remuneration in respect of the registered book, an acknowledgement of registration in a form to be decided by the Registrar, indicating therein the date from which the entry takes effect.

Article 17: Evidence required in connection with the applications

The Registrar may require the submission of evidence to satisfy him or her that—

- a) a book is an eligible book;
- b) a person applying as author for the first registration of registered interest, or the registration of a share of the Remuneration, is in fact the author of that book and is an eligible person;
- c) any co-author who is not a party to an application for first registration of Public Lending Remuneration is dead or cannot be traced despite all reasonable steps having been taken to do so;
- d) where a request under Article 11(8) is made for apportionment other than that laid out in paragraphs (1) to (5) of Article 11, that all authors of the book have agreed to the request, and
- e) as to the identity of an author or any registered interest to whom money payable under the Scheme is due and such money may be withheld until such evidence is produced and may for the purpose of obtaining any such evidence require a statutory declaration to be made by any person.

Article 18: Authors not of full age

(1) Anything required to be done by an author under these Regulations shall, if the author is not of full age, be done by his or her parent or guardian and that parent or guardian shall be recorded in the Register as the person to whom are payable sums in respect of any registered interest of the author until such time as a transfer of the registration into the author's own name has been recorded in pursuance of subsection (2).

(2) An author whose interest is, under the terms of paragraph (1), registered in the name of his or her parent or guardian may, on attaining full age, make application to the Registrar for the transfer of the registration of the registered interest into his or her own name, and

until such transfer has been recorded the Registrar shall be entitled to remit any sums due in respect of the registered interest to such parent or guardian.

#### Article 19: Renunciation

(1) On making application on that behalf which satisfies the requirements of Article 10(2), the registered owner of a registered interest may absolutely and unconditionally renounce that interest.

(2) Such renunciation may be effective for all time, or in respect of such financial years as shall be specified by the registered owner.

(3) Immediately upon the amendment of the Register, any sum due by way of Public Lending Remuneration which, apart from the renunciation, would become payable to the registered owner in respect of any year falling within the period to which the renunciation applies shall cease to be so payable.

#### Article 20: Removal of entries from the Register

(1) The Registrar may direct the removal from the Register of any entry relating to a book in whose case no sum has become due by way of Public Lending Remuneration for a period of at least ten years.

(2) Where the Registrar has made a direction under paragraph (1), any subsequent application for the entry to be restored to the Register may be made only by the person who, at the date of the removal of the entry, was the registered owner or by his or her legal personal representatives.

#### Article 21: Copies of entries in the Register

The Registrar may require payment of a fee for supplying a copy of an entry in the Register to the owner of a registered interest.

#### Part IV

#### Ascertainment of the number of loans of books

#### Article 22: Duty to record lendings

(1) A library authority shall record every occasion on which a copy of a book is lent out to the public and shall furnish to the Registrar, in such form and at such intervals as he or she may direct, details of such lendings, including the identifying number and any copy number of the copy in question.

(2) For the purpose of this Article, each volume of a work published in two or more volumes shall be treated as a separate book.

#### Article 23: Provision of book loan data

Each library authority shall submit to the Registrar, in such form, at such intervals and in respect of such periods as the Registrar may direct, a return of the total number of occasions on which the books comprised in all its collections were the subject of loans.

#### Article 24: Reimbursement of library authorities

(1) The Registrar may, at his or her discretion and subject to the provisions of this Article, make a contribution towards the costs incurred by library authorities in giving effect to this Scheme and the Registrar's decision as to the proportion, if any, to be reimbursed of the costs incurred shall be final.

(2) It shall be the duty of library authorities to keep proper accounts and records in respect of the expenditure incurred by them in giving effect to this Scheme and the Registrar may withhold payment to a library authority, in whole or in part, until such time as such authority has furnished to him or her sufficient evidence as to the amount of the expenditure so incurred.

#### Part V

#### Calculation and payment of Public Lending Remuneration

#### Article 25: Determination of the sum due in respect of Public Lending Remuneration

(1) For any financial year the Registrar shall calculate and declare a rate-per loan, having regard to the amount of money available for payment to authors, as set out in paragraph (2), and the aggregate number of eligible loans.

(2) The amount of money available for payment to authors shall be the product of the monies allocated for the Scheme in that year, including any monies unclaimed under the provisions of Article 27(3), minus the necessary expenditure incurred by the Registrar, including any contribution to library authorities under Article 24 in the administration of the Scheme in the same year.

(3) Subject to paragraphs (4) and (5), the sum due by way of Public Lending Remuneration to an author shall be calculated having regard to the aggregate number of loans of titles registered by that author, the percentage share and the rate-per-loan. Fractions of a loan are to be disregarded.

(4) The Registrar may from time to time set a maximum payment which shall apply in a financial year and no author shall receive a sum by way of Public Lending Remuneration for that financial year exceeding the maximum sum. All interests registered to the author, or registered by his or her personal representative, will form part of this calculation.

(5) The Registrar may from time to time set a minimum payment which shall apply in a financial year, and if the aggregate of the amounts determined according to paragraph (3) is less than the minimum payment, no sum shall be payable to the author. All interests registered to the author or registered by his or her personal representative will form part of this calculation.

(6) Should the loan data available to the Registrar for any year be incomplete, the Registrar may include in the aggregate of eligible loans for that year an estimate of the number of eligible loans which could reasonably be expected to have been derived from the missing data

#### Article 26: Persons to whom the payment is due

The person entitled to the Public Lending Remuneration in respect of any eligible book or posthumously eligible book in any financial year shall be the registered owner thereof as at 31 December of that year, except where the registered owner has, pursuant to Article 8(6), nominated a person other than the registered owner to receive payment.

#### Article 27: Notification of entitlement and payment of sums due under the Scheme

(1) Any sum due under the Scheme will be paid to the registered owner in a manner decided by the Registrar with the agreement of the registered owner, or to a person nominated by the registered owner in accordance with the provisions of Article 8(6).

(2) The Registrar shall at the end of each financial year, or as soon as is reasonably practicable thereafter, inform each registered owner in such form as the Registrar may from time to time decide—



<p>a) the number of lendings for that year of each book in respect of which he or she is a registered owner to whom a sum is payable by way of Public Lending Remuneration in respect of that year; and</p> <p>b) the amount of such sum.</p> <p>(3) If a payment made under paragraph (1) is not accepted within a period of six months—</p> <p>a) there shall be no further duty on the part of the Registrar to take steps to contact the registered owner and it shall be the responsibility of such owner to make application to the Registrar for payment; and</p> <p>b) if at the end of three years from the date upon which a payment in respect of Public Lending Remuneration becomes due no such application has been made by the person entitled thereto, the entitlement to such payment shall thereby lapse and the unclaimed money shall be included under the provisions of Article 25(2) in the amount of money available for payment to authors in the subsequent financial year.</p>
<p><b>Article 28: Interest</b> No sum determined to be due under this Scheme shall carry interest.</p>
<p><b>Article 29: Reporting arrangements and audit</b></p> <p>(1) The Registrar shall cause to be kept proper accounts of all income and expenditure under the Public Lending Remuneration Scheme in each year, which shall be subject to audit by the Local Government Audit Service.</p> <p>(2) Notwithstanding paragraph (1), the Minister may request the Registrar to appoint an independent auditor to produce an abstract of accounts under the Public Lending Remuneration Scheme for any year and in such case the abstract of accounts and the auditor's certificate and report thereon shall be made available in full to the Minister.</p> <p>(4) The Registrar shall supply any information within his or her power in relation to the discharge of the Public Lending Remuneration Scheme as may be requested from time to time by the Minister.</p> <p>(5) The Registrar shall, in the first six months of each year, make a report to the Minister on the administration of the Public Lending Remuneration Scheme during the preceding year and as soon as practicable after receiving this report, the Minister shall cause a copy of it to be laid before each House of the Oireachtas.</p>
<p>GIVEN under my Official Seal, 31 December 2008 MICHAEL KITT, Minister of State at the Department of the Environment, Heritage and Local Government</p>

## 100 DISTRIBUTION RULES

Mainly laid down by the relevant Regulation.<sup>96</sup>

<sup>96</sup> Copyright and Related Rights (Public Lending Remuneration Scheme) Regulations 2008, <https://www.wipo.int/wipolex/en/text/429800>

## 101 COUNTRY REPORT ISRAEL

### 102 ADDITIONAL SYSTEM INFORMATION

- Israel has a PLR system since 1986 but with no PLR legislation.
- The system is calculated on loans data.
- Eligible are citizens of Israel who write in Hebrew or Arabic.
- Material includes books, but non-fiction is not included.
- Eligible Recipients are authors.
- The administration is contracted by the government to a private firm.
- Public Libraries are covered.

### 103 RESOURCES FOR FURTHER RESEARCH

<http://www.icl.org.il/>

<https://plrinternational.com/established>

## 104 COUNTRY REPORT ITALY

### 105 ADDITIONAL SYSTEM INFORMATION

- The PLR remuneration in Italy is flat-rate amount paid by the Italian government, this based on a copyright regulation.
- There is no individual remuneration for the authors and publishers of specific works in Italy. The funds are used – after approval by the Ministry of Culture – by the authors’ and publishers’ organizations for general social or cultural purposes, e.g., events, festivals serving the publishing sector, this being called “collective distribution” – as opposed to an individual distribution, called “analytic distribution”.<sup>97</sup>
- The lending right of libraries – as a limitation to the exclusive rights of rightholders – covers all loans of works protected by copyright carried out in libraries of the State and public bodies for the exclusive purposes of cultural promotion and personal study.
- The legislation entrusts SIAE, the CMO for music and literary works with the task of distributing the Fund among those entitled, on the basis of the criteria established by the Decree of the Minister for Cultural Heritage and Activities, after consulting the interested trade associations and the Conference for coordination between the Regions and the Autonomous Provinces of Trento and Bolzano. A quota of 83 % is paid for literary works, these being further distributed as follows: 50 % to FUIS (Federazione Unitaria Italiana Scrittori), Authors’ Organization and 50 % to AIA, the Publishers organization. 5 % of the total sum are paid for phonograms and a further 12 % for audiovisual works on loan.

### 106 BEST PRACTICES IN THE COUNTRY

- The authors’ organization considers the general funding (called “collective distribution”) a good system in cases where funds are too small to justify the costs of an individual distribution.<sup>98</sup>

### 107 RESOURCES FOR FURTHER RESEARCH

<https://biblioteche.cultura.gov.it/it/diritto-dautore/Diritto-Dautore-prestito/>

### 108 LEGAL PROVISION IN NATIONAL LAW

#### Italian Copyright Act

Legge 22 aprile 1941, n. 633 sulla protezione del diritto d’autore e di altri diritti connessi al suo esercizio (aggiornata con le modifiche introdotte dal legge 21 settembre 2022, n. 142)<sup>99</sup>

Original Wording	Machine Translation by Google Translate
<p>Art. 69. 1. Il prestito eseguito dalle biblioteche e discoteche dello Stato e degli enti pubblici, ai fini esclusivi di promozione culturale e studio personale, non è soggetto ad autorizzazione da parte del titolare del relativo diritto ((. . .)) e ha ad oggetto esclusivamente:</p>	<p>Article 69. 1. The loan carried out by libraries and discotheques of the State and public bodies, for the exclusive purposes of cultural promotion and personal study, is not subject to authorization by the holder of the relevant right ((. . .)) and has exclusively :: a) printed copies of the works, except scores and musical scores;</p>

<sup>97</sup> Information in interview given by Ida Baucia, FUIS on January 24, 2024.

<sup>98</sup> Information in interview given by Ida Baucia, FUIS on January 24, 2024.

<sup>99</sup> <https://www.wipo.int/wipolex/en/text/585941>

<p>a) gli esemplari a stampa delle opere, eccettuati gli spartiti e le partiture musicali;</p> <p>b) i fonogrammi ed i videogrammi contenenti opere cinematografiche o audiovisive o sequenze d'immagini in movimento, siano esse sonore o meno, decorsi almeno diciotto mesi dal primo atto di esercizio del diritto di distribuzione, ovvero, non essendo stato esercitato il diritto di distribuzione, decorsi almeno ventiquattro mesi dalla realizzazione delle dette opere e sequenze di immagini.</p> <p>2. Per i servizi delle biblioteche, discoteche e cineteche dello Stato e degli enti pubblici e' consentita la riproduzione, senza alcun vantaggio economico o commerciale diretto o indiretto, in un unico esemplare, dei fonogrammi e dei videogrammi contenenti opere cinematografiche o audiovisive o sequenze di immagini in movimento, siano esse sonore o meno, esistenti presso le medesime biblioteche, cineteche e discoteche dello Stato e degli enti pubblici.</p>	<p>b) phonograms and videograms containing cinematographic or audiovisual works or sequences of moving images, whether sound or not, after at least eighteen months have elapsed from the first act of exercising the distribution right, or, if the distribution right has not been exercised , at least twenty-four months after the creation of the said works and image sequences.</p> <p>2. For the services of libraries, discotheques and film archives of the State and public bodies, the reproduction, without any direct or indirect economic or commercial advantage, in a single copy, of phonograms and videograms containing cinematographic or audiovisual works or sequences is permitted. of moving images, whether with sound or not, existing in the same libraries, film libraries and discotheques of the State and public bodies.</p>
---	--

	<p>Article 2, paragraphs 132-133, of the legislative decree of 3 October 2006, n. 262, converted, with amendments, by law 24 November 2006, n. 286</p>

DM 10.12.2007 - percentage distribution of the Fund for the public lending right<sup>100</sup>

Original Wording	Machine Translation by Google Translate
<p>DECRETA</p> <p>Art.1</p> <p>( Ambito di applicazione)</p> <p>1. Il presente decreto reca gli indirizzi per la ripartizione del Fondo per il diritto di prestito pubblico di cui all'articolo 2, comma 132, del decreto legge 3 ottobre 2006, n. 262, convertito con modificazioni nella legge 24 novembre 2006, n. 286 (d'ora in avanti "Fondo"), istituito presso il Ministero per i Beni e le Attività Culturali.</p> <p>2. Ai sensi dell'articolo 69 della legge n. 633 del 1941 e successive modificazioni, il compenso</p>	<p>DECREEES</p> <p>Art.1</p> <p>(Scope of)</p> <p>1. This decree contains the guidelines for the distribution of the Lending Rights Fund public referred to in article 2, paragraph 132, of the legislative decree of 3 October 2006, n. 262, converted with amendments in law 24 November 2006, n. 286 (hereinafter "Fund"), established at the Ministry for Cultural Heritage and Activities.</p> <p>2. Pursuant to article 69 of law no. 633 of 1941 and subsequent amendments, the compensation for the loan right it refers to printed copies, phonograms and videograms</p>

<sup>100</sup> <https://biblioteche.cultura.gov.it/documenti/Normativa/DecretoFondoDirittoPrestito18giugno2007.pdf>

<p>per il diritto di prestito è riferito agli esemplari a stampa, ai fonogrammi ed ai videogrammi prestati dalle biblioteche e dalle discoteche dello Stato e degli enti pubblici, ad eccezione di quelli eseguiti dalle biblioteche delle università e delle scuole di ogni ordine e grado.</p>	<p>lent by libraries and discotheques of the State and public bodies, with the exception of those carried out by the libraries of universities and schools of all levels.</p>
<p>Art. 2 (Modalità per la ripartizione del fondo) 1. Il Fondo di cui all' articolo I è ripartito dalla Società Italiana degli Autori ed Editori (SIAE) tra gli aventi diritto. A tal fine le biblioteche e le discoteche di cui all'articolo I, comma 2, mettono a disposizione della SIAE e aggiornano con cadenza triennale, anche in base ad appositi accordi, i dati statistici relativi ai volumi dei prestiti, utilizzando anche rilevazioni a campione.</p>	<p>Article 2 (Method for the distribution of the fund) 1. The Fund referred to in article I is divided by the Italian Society of Authors and Publishers (SIAE) between those entitled to it. To this end, the libraries and discos referred to in article 1, paragraph 2, provide available to the SIAE and updated every three years, also on the basis of specific agreements, statistical data relating to loan volumes, also using sample surveys.</p>
<p>Art. 3 (Aventi diritto alla ripartizione del Fondo)  1. La suddivisione tra gli aventi diritto alla ripartizione del Fondo di cui all' Articolo 1 è operata dalla SIAE secondo le seguenti percentuali di ripartizione~:</p> <ul style="list-style-type: none"> <li>• Opere a stampa: 50% agli autori e 50% agli editori;</li> <li>• Fonogrammi: 30% agli autori, 30% agli editori, 20% ai produttori e 20% agli artisti interpreti o esecutori;</li> <li>• Videogrammi: 30% agli autori, 30% agli editori, 20% ai produttori originali di opere audiovisive, 20% ad artisti interpreti o esecutori.</li> </ul> <p>2. Gli aventi diritto, per il tramite delle rispettive associazioni di categoria rappresentative a livello nazionale, possono destinare le relative quote di remunerazione a scopi di carattere generale quali iniziative volte alla promozione del libro e della lettura. In tale ipotesi queste ultime sono tenute a mallevare la SIAE da eventuali rivendicazioni. Il presente decreto sarà sottoposto agli organi di controllo.</p>	<p>Article 3 (Those entitled to the distribution of the Fund)  1. The division among those entitled to the distribution of the Fund referred to in Article 1 is operated by SIAE according to the following distribution percentages:</p> <ul style="list-style-type: none"> <li>• Printed works: 50% to the authors and 50% to the publishers;</li> <li>• Phonograms: 30% to authors, 30% to publishers, 20% to producers and 20% to artists interpreters or performers;</li> <li>• Videograms: 30% to authors, 30% to publishers, 20% to original producers of audiovisual works, 20% to interpreting or performing artists.</li> </ul> <p>2. Those entitled, through their respective representative trade associations, a national level, they can allocate the relevant remuneration quotas for character purposes general as initiatives aimed at promoting books and reading. In this case, the latter are required to indemnify SIAE from any claims.  This decree will be submitted to the supervisory body.</p>

DM 10.15.2009 - determination of the commission due to SIAE for the distribution of the Fund<sup>101</sup>

<p>DECRETA</p> <p>Art.1 - Ambito di applicazione</p> <p>1. Il Fondo per il diritto di prestito pubblico di cui all' Articolo l'art.2, commi 132 e 133 del decreto legge 3 ottobre 2006, n. 262, convertito con modificazioni nella legge 24 novembre 2006, n. 286; è ripartito secondo le seguenti percentuali:</p> <ul style="list-style-type: none"> <li>- Opere a stampa e audiolibri 83%</li> <li>- Fonogrammi 5%</li> <li>- Videogrammi 12%</li> </ul> <p>Totale 100%</p>	<p>DECREES</p> <p>Art.1 - Scope of application</p> <p>1. The Fund for public lending rights referred to in Article 2, paragraphs 132 and 133 of law decree 3 October 2006, n. 262, converted with amendments into law 24 November 2006, n. 286; is divided according to the following percentages:</p> <ul style="list-style-type: none"> <li>- Printed works and audiobooks 83%</li> <li>- Phonograms 5%</li> <li>- Videograms 12%</li> </ul> <p>Total 100%</p>
--	--

DM 06.25.2013 - regulation of the methods of access to the Fund for the right to public lending by the most representative associations referred to in art. 2 of the Ministerial Decree 15.10.2009<sup>102</sup>

<p>DECRETA:</p> <p>Art. I</p> <p>I. Il termine di presentazione delle istanze di accesso alla ripartizione collettiva delle quote del Fondo per il diritto di prestito pubblico alle associazioni maggiormente rappresentative a livello nazionale negli ambiti individuati dal decreto ministeri le IO dicembre 2007 è fissato al 30 Settembre di ogni anno per i finanziamenti riferiti all' annualità precedente.</p> <p>2. Previa autorizzazione del Ministero per i beni e le attività culturali la Società italiana Autori ed Editori provvederà a sud4ividere i fondi non richiesti entro tale termine ai singoli aventi diritto, ai sensi dell' articolo I del D.M. 15 ottobre 2009.</p>	<p>DECREES:</p> <p>Article I</p> <p>L. The deadline for submitting requests for access to the collective distribution of the shares of the Fund for the right to public lending to the most representative associations at national level in the areas identified by the ministerial decree on 11 December 2007 is set at 30 September of each year for the financing referred to the previous year.</p> <p>2. Subject to authorization from the Ministry for Cultural Heritage and Activities, the Italian Society of Authors and Publishers will divide the funds not requested within this period among the entitled individuals, pursuant to article 1 of the Ministerial Decree. October 15, 2009.</p>
<p>Art. 2</p> <p>1. L' istanza, debitamente documentata, come previsto dai decreti citati nelle premesse e in regola con le vigenti disposizioni sul bollo, deve essere redatta e sottoscritta dal legale rappresentante dell' 'Associazione richiedente, ai sensi dell' articolo 38, comma 3, del decreto del Presidente della Repubblica 28 dicembre 2000, n. 445.</p>	<p>Article 2</p> <p>1. The request, duly documented, as required by the decrees cited in the introduction and in compliance with the current provisions on stamp duty, must be drawn up and signed by the legal representative of the requesting Association, pursuant to article 38, paragraph 3, of decree of the President of the Republic 28 December 2000, n. 445.</p>

<sup>101</sup><https://biblioteche.cultura.gov.it/it/documenti/Normativa/DecretoFondoDirittoPrestito15ottobre2009.pdf>

<sup>102</sup><https://biblioteche.cultura.gov.it/it/documenti/Normativa/DecretoFondoDirittoPrestito125iugno2013.pdf>

<p>2. Il legale rappresentante, nel dichiarare che l'Associazione è la maggiormente rappresentativa nella categoria, assume l'impegno di destinare la quota ricevuta esclusivamente agli scopi di carattere generale di cui all' articolo 2, comma 2 del citato decreto ministeriale 15 ottobre 2009 e di costituire un adeguato fondo di garanzia, manlevando la SIAE da eventuali rivendicazioni di singoli.</p> <p>3. All' istanza, indirizzata al Ministero per i Beni e le Attività Culturali – Direzione Generale per le Biblioteche, gli Istituti Culturali e il Diritto d'Autore - Servizio II, devono essere allegati:</p> <ul style="list-style-type: none"> <li>a) copia conforme all ' originale dello statuto e dell'atto costitutivo dell 'Associazione;</li> <li>b) elenco della composizione delle cariche sociali;</li> <li>c) atto di manleva;</li> <li>d) relazione analitica sulla utilizzazione delle eventuali quote del Fondo per il diritto di prestito pubblico già ricevute nell' anno precedente, esclusivamente per le attività previste</li> </ul> <p>dall 'articolo 2, comma 7 del citato decreto ministeriale 15 ottobre 2009.</p> <p>3. Tutte le dichiarazioni devono essere rese, ai sensi degli articoli 46 e 47 del D.P.R. n. 445 del 2000, dal legale rappresentante dell 'Associazione, sotto la propria responsabilità a norma degli articoli 75 e 76 del citato decreto presidenziale, allegando copia del documento di riconoscimento in corso di validità.</p> <p>4. Sono esonerati dalla presentazione dei documenti di cui ai punti a) e b) le Associazioni di categoria che abbiano già presentato tale documentazione negli anni precedenti, qualora non ci siano state modifiche.</p>	<p>2. The legal representative, in declaring that the Association is the most representative in the category, undertakes to allocate the amount received exclusively for the general purposes referred to in article 2, paragraph 2 of the aforementioned ministerial decree of 15 October 2009 and to set up an adequate guarantee fund, indemnifying the SIAE from any claims by individuals.</p> <p>3. The following must be attached to the request, addressed to the Ministry for Cultural Heritage and Activities - General Directorate for Libraries, Cultural Institutes and Copyright - Service II:</p> <ul style="list-style-type: none"> <li>a) certified copy of the original of the statute and the articles of association of the Association;</li> <li>b) list of the composition of corporate officers;</li> <li>c) deed of indemnity;</li> <li>d) analytical report on the use of any shares of the Fund for the right to public lending already received in the previous year, exclusively for the planned activities</li> </ul> <p>from article 2, paragraph 7 of the aforementioned ministerial decree of 15 October 2009.</p> <p>3. All declarations must be made pursuant to articles 46 and 47 of the Presidential Decree. n. 445 of 2000, by the legal representative of the Association, under his own responsibility a pursuant to articles 75 and 76 of the aforementioned presidential decree, attaching a copy of the document of valid recognition.</p> <p>4. The Associations of. are exempt from submitting the documents referred to in points a) and b). category who have already submitted this documentation in previous years, if there have been no changes.</p>
<p>Art. 3</p>	<p>Article 3</p>

<p>1. Le Associazioni di categoria che non hanno fatto richiesta di assegnazione della quota parte di Fondo ad essi spettante possono presentare richiesta per gli esercizi finanziari dal 2006 al 2012, entro il 30 settembre 2014.</p>	<p>1. Trade associations that have not requested quota allocation part of the Fund due to them can submit a request for the financial years from 2006 to 2012, by 30 September 2014.</p>
--	--

DM 27 July 2017 - regulation of the methods of access to the Fund for the right of public lending by the most representative Associations referred to in article 2 of the Decree of the Minister for Cultural Heritage and Activities of 15 October 2009. Definition of criteria for the optimization of the management procedures of distributed funds<sup>103</sup>

<p>DECRETA Art. 1 Oggetto e ambito di applicazione Il presente decreto regola le modalità di accesso, utilizzazione e rendicontazione del fondo per il diritto di prestito pubblico da parte delle Associazioni di categoria maggiormente rappresentative, ad integrazione di quanto già previsto dai decreti ministeriali 15 ottobre 2007, 18 giugno 2007, 10 dicembre 2007, 15 ottobre 2009, 25 giugno 2013</p>	<p>DECREES Article 1 Object and scope of application This decree regulates the methods of access, use and reporting of the fund for public lending rights by trade associations more representative, integrating what is already provided for by the decrees ministerial meetings 15 October 2007, 18 June 2007, 10 December 2007, 15 October 2009, 25 June 2013</p>
<p>Art. 2 Modalità di accesso al Fondo per il diritto di prestito pubblico 1. L'Associazione che richiede l'accesso al Fondo per il diritto di prestito pubblico (di seguito anche "il Fondo") attesta, nell'istanza di cui all'art. 2, comma 2, del D. M. 15 ottobre 2009, con le modalità di cui all'art. 47 del DPR n. 445/00 e con gli effetti ivi previsti, di essere l'associazione di categoria maggiormente rappresentativa a livello nazionale, tra quelle previste all'art. 3, comma 1, del D.M. 18 giugno 2007.  L'Associazione, al contempo, dichiara di assumere l'impegno e la responsabilità di destinare la quota, eventualmente ricevuta, agli scopi di carattere generale, di cui all'art. 2, comma 2 del citato D.M. 15 ottobre 2009 e presenta un progetto di attività senza fini di lucro anche indiretto ai sensi dell'art. 3 del presente decreto.</p>	<p>Article 2 Methods of accessing the Fund for public lending rights 1. The Association requesting access to the Fund for public lending rights (hereinafter also "the Fund") certifies, in the request referred to in art. 2, paragraph 2, of the Ministerial Decree of 15 October 2009, with the methods set out in the art. 47 of Presidential Decree n. 445/00 and with the effects envisaged therein, to be the most representative trade association at national level, among those envisaged in art. 3, paragraph 1, of the Ministerial Decree. June 18, 2007.  At the same time, the Association declares to assume the commitment and responsibility of allocating the fee, if any, received to the general purposes referred to in art. 2, paragraph 2 of the aforementioned Ministerial Decree. 15 October 2009 and presents a non-profit activity project, even indirect, pursuant to art. 3 of this decree.</p>

<sup>103</sup> <https://biblioteche.cultura.gov.it/documenti/2017-Luglio-Settembre/DM-27luglio2017.pdf>



<p>L'Associazione dichiara di estendere la manleva resa nei confronti della SIAE, ai sensi dell' art. 2, comma 3, del citato D.M. 15 ottobre 2009, anche ai casi di eventuali rivendicazioni di singoli aventi diritto derivanti dalla non corretta applicazione delle disposizioni di cui al presente decreto nell' impiego dei fondi percepiti e di accettare tutti i controlli che saranno disposti dall' Amministrazione sui fondi stessi.</p>	<p>The Association declares to extend the indemnity rendered towards SIAE, pursuant to of the art. 2, paragraph 3, of the aforementioned Ministerial Decree. 15 October 2009, also to the cases of possible claims of individual entitled persons deriving from the incorrect application of the provisions of this decree in the use of the funds received and to accept all the controls that will be arranged by the Administration on the funds themselves.</p>
<p>2. L'Associazione attesta, ai fini della maggiore rappresentatività, nelle dichiarazioni sostitutive dell'atto di notorietà, con firma autenticata, a seconda della tipologia di istituzione, il numero complessivo degli associati sulla base delle deleghe o dei mandati effettivamente ricevuti e attesta altresì la loro qualità di aventi diritto ovvero la corrispondenza alla categoria tutelata dal Fondo, nel rispetto delle norme sulla riservatezza dei dati personali e il possesso dei requisiti minimi indicati nello Statuto o nell'Atto costitutivo dell'Associazione ritenuti da questa necessari per l'appartenenza alla categoria.</p> <p>Tale appartenenza viene attestata, tra l'altro, dal numero di pubblicazioni o interpretazioni musicali o trasposizioni cinematografiche e similari riconducibili all'associato sulla base di quanto previsto per le percentuali di ripartizione delle categorie dai decreti ministeriali 18 giugno 2007 e 10 dicembre 2007.</p> <p>L'Amministrazione effettuerà, ai sensi dell'art. 71 del DPR n. 445/2000, idonei controlli, anche a campione.</p> <p>3. Ad integrazione dell'art. 2, commi 3 e 4, del citato D.M. 15 ottobre 2009, l'Associazione si impegna ad accantonare, nel fondo di garanzia precedentemente costituito, il 10% della somma ricevuta ciascun anno, fino al raggiungimento di una consistenza pari al 75% della media delle somme ricevute negli ultimi tre anni. Il Fondo di garanzia deve risultare liquido e di pronta utilizzazione e non può essere</p>	<p>2. For the purposes of greater representativeness, the Association certifies, in the declarations in lieu of the deed of notoriety, with authenticated signature, depending on the type of institution, the total number of members based on the delegations or mandates actually received and also certifies their status as entitled parties or their correspondence to the category protected by the Fund, in compliance with the rules on the confidentiality of personal data and the possession of the minimum requirements indicated in the Statute or in the Articles of Association of the Association deemed necessary by it for membership of the category.</p> <p>This membership is attested, among other things, by the number of publications or musical interpretations or cinematographic and musical transpositions attributable to the member on the basis of the provisions for the percentages of division of the categories by the ministerial decrees of 18 June 2007 and 10 December 2007.</p> <p>The Administration will carry out, pursuant to art. 71 of Presidential Decree n. 445/2000, suitable controls, including random ones.</p> <p>3. In addition to the art. 2, paragraphs 3 and 4, of the aforementioned Ministerial Decree. 15 October 2009, the Association undertakes to set aside, in the previously established guarantee fund, 10% of the sum received each year, until reaching a consistency equal to 75% of the average of the sums received in the last three years. The Guarantee Fund must be liquid and ready for use and cannot be used for</p>

<p>impiegato per operazioni aventi finalità diverse da quelle poste a garanzia.</p> <p>In caso di scioglimento dell'Associazione le quote accantonate al Fondo di garanzia saranno regolate dalle relative disposizioni inserite nello Statuto o ne Il ' Atto costitutivo ; dell' Associazione o, in mancanza, dalle pertinenti disposizioni del codice civile.</p> <p>4. L'Amministrazione verifica e valuta la documentazione presentata e le dichiarazioni sostitutive dell ' atto di notorietà riservandosi di richiedere chiarimenti e documentazione integrativa. Qualora queste non risultino corrispondenti al presente decreto, l'Amministrazione rigetta l'istanza dandone comunicazione all' Associazione. Qualora un' Associazione perda la maggiore rappresentatività sarà comunque tenuta, per i cinque anni successivi all'ultimo anno in cui ha percepito la quota di Fondo spettante, a mantenere il fondo di garanzia al fine di tutelare gli aventi diritto. A scadenza di tale periodo l'Associazione sarà tenuta a restituire la suddetta somma alla SIAE che provvederà alla ripartizione analitica per il settore di competenza.</p> <p>5. L'Associazione che ottiene l'accesso al Fondo dovrà presentare, successivamente all'utilizzo dei fondi, oltre alla prevista relazione analitica, ai sensi dell 'art. 2, comma 7, del citato D.M. 15 ottobre 2009, una rendicontazione sull'utilizzo del medesimo indicando le voci di spesa, secondo le categorie di spesa previste al successivo art. 4, sulla base dello schema di cui all'Allegato I che costituisce parte integrante del presente decreto, nonché il bilancio complessivo dell'Associazione vi dimato da un soggetto abilitato.</p> <p>L'Associazione è tenuta, inoltre, a pubblicare sul proprio sito tutte le notizie relative al progetto presentato e fmanziato</p>	<p>operations having purposes other than those placed as guarantee. In the event of dissolution of the Association, the quotas set aside for the Guarantee Fund will be regulated by the relevant provisions included in the Statute or in the Articles of Association. of the Association or, failing that, by the relevant provisions of the civil code.</p> <p>4. The Administration verifies and evaluates the documentation presented and the declarations in lieu of the affidavit, reserving the right to request clarifications and additional documentation. If these do not correspond to this decree, the Administration rejects the request by communicating it to the Association. If an Association loses its greater representativeness, it will still be required, for the five years following the last year in which it received its share of the Fund, to maintain the guarantee fund in order to protect those entitled to it. At the end of this period the Association will be required to return the aforementioned sum to SIAE which will provide the analytical breakdown for the sector of competence.</p> <p>5. The Association that obtains access to the Fund must present, following the use of the funds, in addition to the required analytical report, pursuant to art. 2, paragraph 7, of the aforementioned Ministerial Decree 15 October 2009, a report on the use of the same indicating the expenditure items, according to the expenditure categories envisaged in the following art. 4, on the basis of the scheme referred to in Annex I which constitutes an integral part of this decree, as well as the overall budget of the Association issued by an authorized person.</p> <p>The Association is also required to publish on its website all the news relating to the project presented and financed by the Fund, indicating any natural and legal persons who have collaborated or carried out the financed activities, also authorizing their publication on the Administration website.</p>
---	---

<p>dal Fondo, indicando eventuali persone fisiche e giuridiche che hanno collaborato o realizzato le attività finanziate, autorizzandone altresì la pubblicazione sul sito dell' Amministrazione.</p>	
<p><b>Art. 3</b> <b>Aree tematiche</b> 1. A parziale modifica e integrazione dell'art. 2, comma 2, del D.M. 15 ottobre 2009, le aree tematiche sulle quali è possibile proporre progetti senza fini di lucro finanziabili con il Fondo sono le seguenti:</p> <ul style="list-style-type: none"> <li>a) promozione e sostegno di autori, traduttori, artisti, interpreti ed esecutori;</li> <li>b) iniziative volte alla promozione di attività a favore della conoscenza del diritto d'Autore e al rispetto della legalità;</li> <li>c) sostegno a biblioteche e mediateche pubbliche;</li> <li>d) attività a sostegno della lettura, dell'audiovisivo, del cinema e della musica.</li> </ul> <p>Le suddette aree sono enunciate a titolo esemplificativo ed eventuali ulteriori aree non previste tra quelle indicate possono essere preventivamente concordate ed autorizzate dall' Amministrazione.</p> <p>2. Nell 'ambito delle aree tematiche, di cui al comma 1, sono ammesse al finanziamento, ai sensi dell'art. 2, le seguenti attività svolte senza fini di lucro anche indiretto:</p> <ul style="list-style-type: none"> <li>a) manifestazioni in Biblioteche, scuole, comunità quali presentazione di libri, conferenze, eventi tematici, proiezioni di film, lezioni, ascolto di brani musicali anche attraverso iniziative multi disciplinari a favore di scolaresche o rivolte a fasce sociali deboli in ambiti particolarmente disagiati;</li> <li>b) organizzazioni di Mostre di settore, nazionali e internazionali;</li> <li>c) acquisto di pubblicazioni per le biblioteche o mediateche pubbliche;</li> <li>d) compartecipazione a progetti di altre associazioni di categoria con le medesime finalità sempre per le tipologie di spesa ammissibili di cui al successivo art.4;</li> <li>e) concorsi, premi, borse di studio, tirocini o altre iniziative intraprese secondo procedure trasparenti e debitamente pubblicizzate volte a incentivare la creatività;</li> <li>f) attività di sensibilizzazione in materia di lotta alla pirateria e alla contraffazione.</li> </ul>	<p><b>Article 3</b> <b>Thematic areas</b> 1. As a partial modification and integration of the art. 2, paragraph 2, of the Ministerial Decree. 15 October 2009, the thematic areas in which it is possible to propose non-profit projects that can be financed with the Fund are the following:</p> <ul style="list-style-type: none"> <li>a) promotion and support of authors, translators, artists, interpreters and performers;</li> <li>b) initiatives aimed at promoting activities in favor of knowledge of copyright and respect for legality;</li> <li>c) support for public libraries and media centres;</li> <li>d) activities to support reading, audiovisual, cinema and music.</li> </ul> <p>The aforementioned areas are listed by way of example and any further areas not included among those indicated can be previously agreed and authorized by the Administration.</p> <p>2. Within the thematic areas referred to in paragraph 1, funding is permitted pursuant to art. 2, the following activities carried out on a non-profit basis, including indirect ones:</p> <ul style="list-style-type: none"> <li>a) events in libraries, schools, communities such as book presentations, conferences, thematic events, film screenings, lessons, listening to musical pieces also through multi-disciplinary initiatives for school groups or aimed at vulnerable social groups in particularly disadvantaged areas;</li> <li>b) national and international sector exhibition organisations;</li> <li>c) purchase of publications for public libraries or media libraries;</li> <li>d) participation in projects of other trade associations with the same purposes, always for the types of eligible expenditure referred to in the following art.4;</li> <li>e) competitions, prizes, scholarships, internships or other initiatives undertaken according to transparent and duly publicized procedures aimed at encouraging creativity;</li> </ul>

<p>Eventuali altre tipologie di attività non previste da quelle indicate possono essere preventi vamente concordate con l' Amministrazione.</p>	<p>f) awareness raising activities regarding the fight against piracy and counterfeiting. Any other types of activities not included in those indicated can be agreed in advance with the Administration.</p>
<p>Art. 4 Spese ammissibili e rendicontazione 1. Sono considerate ammissibili le spese strettamente connesse alla realizzazione del progetto, come indicate nella Scheda di rendicontazione di cui all' Allegato I.  2. Eventuali spese per attività diverse da quelle indicate nel precedente articolo devono essere autorizzate dall' Amministrazione a seguito di espressa richiesta da parte dell' Associazione o della Federazione.  3. Nel caso le attività siano delegate, in tutto o in parte, a società o altri soggetti giuridici controllanti, controllati o collegati all' Associazione, sono considerate ammissibili le spese sostenute dai soggetti delegati nei limiti dei costi sopportati. Le stesse regole di rendicontazione previste per le Associazioni si applicano conseguentemente ai soggetti delegati ed in particolare, tra gli altri, alle società di servizi di cui l'Associazione controlla, anche indirettamente, una quota maggiore del 20% del capitale, alle associazioni costituenti federazioni destinatarie, alle associazioni, fondazioni o altre entità, non a fini di lucro, in cui l'Associazione destinataria abbia, anche indirettamente, poteri di nomina degli organi decisionali . A tal fme l'Associazione che accede al Fondo per il diritto di prestito pubblico porrà in evidenza, nella propria rendicontazione da presentare nei termini e nelle modalità di cui al successivo art. 5, i costi sopportati dal soggetto delegato.  4. Non sono ammesse le spese a favore di società o altri soggetti giuridici che siano direttamente o indirettamente controllati da componenti degli organi decisionali dell' Associazione destinataria o da cui tal i componenti traggano benefici o utilità diretti o indiretti. Saranno esclusi i progetti delle Associazioni che dichiarino potenziali conflitti di interesse tra i componenti dei propri organi decisionali</p>	<p>Article 4 Eligible expenses and reporting 1. Expenses strictly connected to the implementation of the project are considered eligible, as indicated in the reporting form in Annex I.  2. Any expenses for activities other than those indicated in the previous article must be authorized by the Administration following an express request from the Association or Federation.  3. If the activities are delegated, in whole or in part, to companies or other legal entities controlling, controlled or connected to the Association, the expenses incurred by the delegated entities within the limits of the costs borne are considered eligible. The same reporting rules envisaged for the Associations consequently apply to the delegated subjects and in particular, among others, to the service companies of which the Association controls, even indirectly, a share greater than 20% of the capital, to the associations constituting federations recipients, to associations, foundations or other non-profit entities, in which the recipient Association has, even indirectly, powers to appoint the decision-making bodies. To this end, the Association that accesses the Fund for the right to public lending will highlight, in its reporting to be presented within the terms and methods set out in the following art. 5, the costs borne by the delegated party.  4. Expenses in favor of companies or other legal entities that are directly or indirectly controlled by members of the decision-making bodies of the recipient Association or from which such members derive direct or indirect benefits or benefits are not permitted. Association projects that declare potential conflicts of interest between the members of their decision-making bodies and the beneficiaries of the funds, the implementing</p>

<p>e i beneficiari dei fondi, i soggetti attuatori e i fornitori utilizzati.</p> <p>5. A conclusione del progetto, ed in ogni caso entro il 30 settembre dell'anno successivo all'erogazione del Fondo, l'Associazione destinataria fa pervenire all'Ufficio competente del Ministero dei beni e delle attività culturali e del turismo la relazione analitica accompagnata dal rendiconto di cui all'art. 2, comma 5, del presente decreto. La relazione analitica e la rendicontazione da parte dell'Associazione destinataria del Fondo devono essere unitarie, confluendo in esse tutti gli elementi relativi alle attività poste in essere dai soggetti delegati ai sensi del precedente comma 3.</p> <p>6. L'utilizzo dei fondi percepiti deve essere concluso entro ventiquattro mesi dall'erogazione e le fatture relative all'impiego di tutti i fondi utilizzati dovranno essere messe a disposizione dell'Amministrazione che potrà disporre adeguati controlli. Non è prevista la concessione di proroghe se non in casi eccezionali e a seguito di motivata richiesta .</p>	<p>entities and the suppliers used will be excluded.</p> <p>5. At the end of the project, and in any case by 30 September of the year following the disbursement of the Fund, the recipient Association sends the accompanying analytical report to the competent office of the Ministry of Cultural Heritage and Activities and Tourism. from the report referred to in the art. 2, paragraph 5, of this decree. The analytical report and reporting by the Association receiving the Fund must be uniform, incorporating all the elements relating to the activities carried out by the delegated subjects pursuant to the previous paragraph 3.</p> <p>6. The use of the funds received must be concluded within twenty-four months of disbursement and the invoices relating to the use of all the funds used must be made available to the Administration which can arrange adequate controls. Extensions will not be granted except in exceptional cases and following a reasoned request.</p>
<p>Art. 5 Valutazione della relazione e del rendiconto</p> <p>1. L'Amministrazione, può richiedere integrazioni alla relazione analitica e al relativo rendiconto di cui al precedente art. 4, ivi incluse copie dei documenti di spesa. La relazione e il relativo rendiconto dovranno essere approvati dall'Amministrazione entro il trentesimo giorno dal loro ricevimento. Detto termine è interrotto per il periodo intercorrente tra le eventuali richieste di integrazioni e/o copie di documenti avanzate dall'Amministrazione e le risposte dell'Associazione.</p> <p>2. L'Amministrazione si riserva, dandone comunicazione a SIAE, di revocare quanto erogato o di sospendere il finanziamento ovvero di escludere dall'accesso al Fondo per gli anni successivi l'Associazione che presenti:</p> <p>a) ritardi ingiustificati nella consegna della relazione;</p>	<p>Article 5 Evaluation of the report and the financial statement</p> <p>1. The Administration may request additions to the analytical report and the related statement referred to in the previous art. 4, including copies of expenditure documents. The report and the related financial statements must be approved by the Administration within the thirtieth day of their receipt. This deadline is interrupted for the period between any requests for additions and/or copies of documents made by the Administration and the Association's responses.</p> <p>2. The Administration reserves the right, by notifying SIAE, to revoke the amount disbursed or to suspend the financing or to exclude from access to the Fund for the following years the Association that presents:</p> <p>a) unjustified delays in the delivery of the report;</p>

<p>b) mancata aderenza delle attività svolte alle aree tematiche di cui all'art. 3;</p> <p>c) mancata corrispondenza tra spese rendicontate e attività effettivamente svolte;</p> <p>d) irregolarità nella rendicontazione delle spese o insufficienza nella documentazione presentata;</p> <p>e) mancato rispetto delle disposizioni previste all' art. 4 (spese ammissibili).</p> <p>In tal caso il Direttore generale biblioteche e istituti culturali, accertata la necessità di revocare quanto erogato, comunica alla SIAE, entro trenta giorni dalla conclusione del procedimento di valutazione della rendicontazione il nominativo dell' Associazione oggetto del provvedimento di revoca e la quota di fondo attribuita alla stessa che dovrà, entro i successivi trenta giorni, procedere alla restituzione di quanto revocato alla medesima SIAE. La revoca potrà essere parziale nei casi di minore gravità e qualora le irregolarità rilevate riguardino solo parte delle attività o delle spese rendicontate.</p>	<p>b) lack of adherence of the activities carried out to the thematic areas referred to in the art. 3;</p> <p>c) mismatch between reported expenses and activities actually carried out;</p> <p>d) irregularities in the reporting of expenses or insufficiency in the documentation presented;</p> <p>e) failure to comply with the provisions set out in art. 4 (eligible expenses).</p> <p>In this case, the General Director of libraries and cultural institutes, having ascertained the need to revoke the amount disbursed, communicates to the SIAE, within thirty days of the conclusion of the reporting evaluation procedure, the name of the Association subject to the revocation provision and the allocated fund share to the same which must, within the following thirty days, proceed with the restitution of the revoked amount to the same SIAE.</p> <p>The revocation may be partial in less serious cases and if the irregularities detected concern only part of the activities or expenses reported.</p>
<p>Art. 6 Somme non richieste Decorso il termine di 5 anni dall'erogazione del Fondo alla SIAE, le somme non richieste dalle Associazioni ovvero quelle restituite in seguito ad un provvedimento di revoca, sono ripartite e distribuite dalla SIAE nelle modalità previste dall' art. 2 del D.M. 18 giugno 2007.</p>	<p>Article 6 Unsolicited sums Once 5 years have elapsed from the disbursement of the Fund to the SIAE, the sums not requested by the Associations or those returned following a revocation provision, are divided and distributed by the SIAE in the manner provided for by art. 2 of the Ministerial Decree June 18, 2007.</p>
<p>Art. 7 Disposizioni transitorie 1. Il presente decreto disciplina l'accesso al Fondo per il diritto di prestito erogato a partire dall'esercizio finanziario 2017.</p> <p>2. Le somme non ancora attribuite relative ad esercizi finanziari precedenti l'anno 2014, e per le quali sia stata presentata richiesta di erogazione da parte delle Associazioni, sono erogate, nelle modalità previste dall'art. 2 del D.M. 18 giugno 2007, all'esito di verifiche amministrative contabili disposte dall' Amministrazione, qualora non precedentemente effettuate, in ordine alla ricorrenza dei requisiti previsti dalla disciplina previgente al presente decreto.</p>	<p>Article 7 Transitional provisions 1. This decree regulates access to the Fund for loan rights disbursed starting from the 2017 financial year.</p> <p>2. The sums not yet allocated relating to financial years prior to the year 2014, and for which a request for disbursement has been submitted by the Associations, are disbursed in the manner established by the art. 2 of the Ministerial Decree 18 June 2007, following the outcome of administrative audits ordered by the Administration, if not previously carried out, regarding the fulfillment of the requirements established by the regulations prior to this</p>

<p>Ove tali requisiti non ricorrano si applicano le disposizioni di cui all' art. 6. Il presente decreto sarà sottoposto agli Organi di controllo. Del presente decreto verrà data notizia mediante pubblicazione sul sito web della Direzione generale biblioteche e istituti culturali.</p>	<p>decree. Where these requirements do not apply, the provisions of art. 6. This decree will be submitted to the supervisory bodies. This decree will be communicated by publication on the website of the Directorate General for Libraries and Cultural Institutes.</p>
---	---

## 109 DISTRIBUTION RULES

See Decrees above.

## 110 COUNTRY REPORT LATVIA

### 111 ADDITIONAL SYSTEM INFORMATION

- The Scheme was first established in 2006, based on Copyright Law (2000) but taking effect only in 2006. The Copyright Act was last amended on April 5<sup>th</sup>, 2023, with the Public Lending Right now being fixed in Section 19.1.
- Funding is based on 5% of state expenditure on library stock, while payments are based on loans.
- Eligible Recipients are writers, translators, illustrators, compilers, adaptors/re-tellers, composers, film producers and narrators. The system does not exclude non-residents/non-citizens nor does it have any language exceptions.
- Eligible material covers books, sheet music, phonograms, films.
- According to sec. 19.1 of the Copyright Act<sup>104</sup>, only one collective management organisation without authorisation of another collective management organisation shall manage economic interests of the holders of copyright or related rights in respect of public lending. The system is managed by the collecting society (AKKA/LAA). The Ministry of Culture has accredited it as the non-governmental authors' organization, a multi-repertoire collecting organization that was founded in 1995. AKKA/LAA administers authors' musical, literary, visual and audiovisual rights. After annual statistical sampling determines which works, phonograms and film copies have been lent by libraries and the frequency of their lending, AKKA/LAA distributes the sum among authors, performers, film and phonogram producers.<sup>105</sup>
- The system covers all state funded libraries except educational libraries.
- The sums distributed under the system as you requested (after deduction of administrative expenses):
  - o 304 394.00 EUR in 2023;
  - o 296 194.78 EUR in 2022;
  - o 269 519.19 EUR in 2021.<sup>106</sup>

### 112 BEST PRACTICES IN THE COUNTRY

- The stable percentage for calculating the PLR fund is considered positive for the acceptance of the system.
- As the data collection from various resources can produce higher administrative costs, a united database comprising all relevant loans should be aimed at.

### 113 MAIN RESOURCES FOR FURTHER RESEARCH

<http://www.akka-laa.lv/lv/>

### 114 LEGAL BASIS

Latvia Copyright Act

Original Wording <sup>107</sup>	Machine Translation by Google Translate <sup>108</sup>
---------------------------------	--

<sup>104</sup> <https://www.wipo.int/wipolex/en/text/587475>

<sup>105</sup> Norkarkls, Reinis, Public Lending Right in Latvia 2006, p. [https://laacz.lv/f/txt/lettonie\\_eng.pdf](https://laacz.lv/f/txt/lettonie_eng.pdf)

<sup>106</sup> Information given in Interview by Renāte Kārklīņa, AKKA/LAA on January 17, 2024.

<sup>107</sup> The translation available at <https://www.wipo.int/wipolex/en/text/587475> does not reflect the recent changes to the Act coming into force on April 5, 2023 yet.

<sup>108</sup> <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/lv/lv017en.pdf>



<p>19.pants. Autora darba izmantošana bez autora piekrišanas un atlīdzības</p> <p>(1) Autortiesības nav uzskatāmas par pārkāptām, ja bez autora piekrišanas un bez atlīdzības samaksas šajā likumā noteiktajā kārtībā:</p> <ol style="list-style-type: none"> <li>(1) darbs tiek izmantots informatīviem mērķiem (20. pants);</li> <li>(2) darbs tiek izmantots izglītības un pētniecības mērķiem (21. pants);</li> <li>(3) darbs tiek izmantots tekstizrači un datizrači (21.1 pants);</li> <li>(4) darbs tiek izmantots tekstizrači un datizrači pētniecības mērķiem (21.2 pants);</li> <li>(5) darbs tiek izmantots personu ar funkcionēšanas ierobežojumiem vajadzībām (22. pants);</li> <li>(6) noteikts darbs tiek izmantots tādu personu vajadzībām, kuras ir neredzīgas vai ar citādām lasīšanas grūtībām (22.1 pants);</li> <li>(7) darbs tiek izmantots kultūras mantojuma iestāžu vajadzībām (23. pants);</li> <li>(8) darbs tiek reproducēts tiesvedības mērķiem (24. pants);</li> <li>(9) tiek izmantots publiski izstādīts darbs (25. pants);</li> <li>(10) darbs tiek izmantots publiskā izpildījumā valstisku vai reliģisku ceremoniju laikā, kā arī izglītības iestādēs nepastarpinātā mācību procesā (26. pants);</li> <li>(11) darbu īslaicīgi izmanto raidorganizācija (27. pants);</li> <li>(12) darbs tiek parodēts, kariķēts vai izmantots stilizācijās;</li> <li>(13) darbs tiek izmantots publiskas izstādes vai publiskas mākslas darbu pārdošanas reklāmas mērķiem (27.1 pants);</li> <li>(14) datorprogramma tiek izmantota reproducēšanai, tulkošanai un citādi pārveidošanai (29. pants);</li> <li>(15) tiek nodrošināta datorprogrammas sadarbība (30. pants);</li> <li>(16) darba atsavināšana citai personai notiek atkārtoti, izņemot šā likuma 17. pantā noteikto (32. pants).</li> </ol> <p>(2) (Izslēgta ar 22.04.2004. likumu) (Ar grozījumiem, kas izdarīti ar 22.04.2004., 06.12.2007., 06.12.2018. un 23.03.2023. likumu, kas stājas spēkā 05.04.2023.)</p>	<p>Article 19. Use of the author's work without the author's consent and without remuneration</p> <p>(1) Copyright shall not be deemed to have been infringed if, without the author's consent and without payment of a consideration in the manner provided for in this Act:</p> <ol style="list-style-type: none"> <li>(1) the work is used for informative purposes (Article 20);</li> <li>(2) the work is used for educational and research purposes (Article 21);</li> <li>(3) the work is used for text mining and data mining (Article 21.1);</li> <li>(4) the work is used for text mining and data mining for research purposes (Article 21.2);</li> <li>(5) work is used for the needs of persons with functional limitations (Article 22);</li> <li>(6) certain work is used for the needs of persons who are blind or have other reading disabilities (Article 22.1);</li> <li>(7) the work is used for the needs of cultural heritage institutions (Article 23);</li> <li>(8) the work is reproduced for the purposes of legal proceedings (Article 24);</li> <li>(9) publicly exhibited work is used (Article 25);</li> <li>(10) the work is used in public performance during state or religious ceremonies, as well as in educational institutions in the direct learning process (Article 26);</li> <li>(11) the work is temporarily used by the broadcasting organization (Article 27);</li> <li>(12) the work is parodied, caricatured or used in stylizations;</li> <li>(13) the work is used for the purposes of a public exhibition or public advertisement for the sale of works of art (27.1 article);</li> <li>(14) the computer program is used for reproduction, translation and other transformation (Article 29);</li> <li>(15) computer program interoperability is ensured (Article 30);</li> <li>(16) expropriation of work to another person takes place repeatedly, except as stipulated in Article 17 of this Law (Article 32).</li> </ol> <p>(2) (Excluded by the law of 22.04.2004) (With amendments made by the laws of 22.04.2004, 06.12.2007, 06.12.2018 and 23.03.2023, which enter into force 04/05/2023)</p>
<p>19.1 pants. Darba publiskais patapinājums</p>	<p>Article 19.1. Public lending of a work</p>

<p>(1) Autortiesības nav uzskatāmas par pārkāptām, ja bez autora piekrišanas, bet samaksājot viņam taisnīgu atlīdzību, publicēts darbs tiek izmantots publiskam patapinājumam.</p> <p>(2) Ministru kabinets nosaka šā panta pirmajā daļā minētās atlīdzības aprēķināšanas kārtību attiecībā uz valsts, pašvaldību vai citu atvasinātu publisku personu un privātajām bibliotēkām, kā arī atlīdzības izmaksāšanas kārtību un proporcionālo sadali starp autoriem, izpildītājiem, fonogrammu producentiem un filmu producentiem.</p> <p>(3) Atlīdzība par publicēta darba izmantošanu publiskam patapinājumam valsts, pašvaldību, atvasinātu publisku personu un privātajās bibliotēkās maksājama uz kolektīvā pārvaldījuma organizācijas norādīto kontu kredītiestādē. (22.04.2004. likuma redakcijā ar grozījumiem, kas izdarīti ar 08.02.2007. un 18.05.2017. likumu, kas stājas spēkā 14.06.2017.)</p>	<p>(1) Copyright shall not be considered infringed if without the author's consent, but by paying him a fair remuneration, a published work is used for public loan.</p> <p>(2) The Cabinet of Ministers shall determine the procedure for calculating the remuneration referred to in the first part of this section in relation to the state, municipalities or other derived public entities and private libraries, as well as procedures for payment of remuneration and proportional distribution between authors, performers, phonogram producers and film producers.</p> <p>(3) Remuneration for the use of a published work for public lending by the state, local governments, derived public personal and private libraries must be paid to the account specified by the collective management organization at the credit institution. (as amended by the law of 22.04.2004 with amendments made by the law of 08.02.2007 and 18.05.2017, which enters into force 14.06.2017)</p>
--	---

27 April 2004, the Cabinet adopted the Regulations Regarding Public Lending,

#### 115 DISTRIBUTION RULES

AKKA/LAA effects the distribution as follows:

“The compensation is distributed among groups of subjects of rights (authors, performers, phonogram producers and film producers) in proportion to the frequency of borrowing of objects of copyright and neighbouring rights. Compensation attributable to performers, phonogram producers and film producers is transferred to the organization of collective management representing the relevant subjects of rights.

Compensation to the subjects of copyright is distributed using the method of proportional distribution, on the basis of the statistics of borrowing per year obtained from research conducted at selected libraries of Latvia where distribution by selection was examined.”<sup>109</sup>

<sup>109</sup> [https://www.akka-laa.lv/storage/ckeditor/general\\_rules\\_of\\_distribution2022.pdf](https://www.akka-laa.lv/storage/ckeditor/general_rules_of_distribution2022.pdf), p.8.

## 116 COUNTRY REPORT LIECHTENSTEIN

### 117 ADDITIONAL SYSTEM INFORMATION

- The copyright based system is managed by the Swiss CMO ProLitteris.
- Pro Litteris has published a tariff as follows: In the Principality of Liechtenstein, this tariff covers, in addition to renting in accordance with Art. 14 FL-URG, also lending in accordance with Art. 15 FL-URG, with a joint remuneration for both uses which does not exceed the previous remuneration for lending in accordance with the former Common Tariff 6b ( CHF 0.05 per rental process for sound recordings and audiovisual recordings and CHF 0.025 for books; this includes neighbouring rights in a ratio of  $\frac{1}{4}$  to  $\frac{3}{4}$ ).<sup>110</sup>
- Method of calculation is based on loans and the type of media loaned.
- Libraries accessible to the public, communal libraries and school libraries are exempt since 2005.
- Rightsholders under copyright law.
- Eligible material: copies of literary and artistic works lent out, written, audio and audiovisual media.
- Eligible Recipients are authors and artists.

### 118 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- For the last years (2021 and 2022), no PLR was paid, last payment of approximately 5,000 CHF was in 2020.

### 119 RESOURCES FOR FURTHER RESEARCH

<https://prolitteris.ch/>  
<https://plrinternational.com/established>

### 120 LEGAL PROVISION IN NATIONAL LAW

#### Copyright Act

Original Wording <sup>111</sup>	Machine Translation by Google Translate
<p>Art. 13 Erschöpfungsgrundsatz</p> <p>Hat die Rechtsinhaberin das Original oder Vervielfältigungsstücke eines Werks veräußert oder der Veräußerung zugestimmt, so darf dieses weiterveräußert oder sonst wie verbreitet werden. Für Computerprogramme und Datenbanken gilt dies nicht in Bezug auf das Vermietrecht.</p>	<p>Article 13 Exhaustion principle</p> <p>If the rights holder has sold the original or copies of a work or agreed to the sale, it may be resold or otherwise distributed. For computer programs and databases, this does not apply to rental law.</p>
<p>Art. 15 Verleihrecht</p> <p>1) Der Öffentlichkeit zugängliche Einrichtungen, welche Werkexemplare der Literatur und Kunst verleihen, schulden der Urheberin hierfür eine Vergütung.</p>	<p>Article 15 Rental right</p> <p>1) Facilities open to the public that contain copies of works of literature and art owe the author for this a remuneration.</p>

<sup>110</sup> [https://prolitteris.ch/wp\\_update2020/wp-content/uploads/GT\\_5\\_Vermieten\\_2022-2026.pdf](https://prolitteris.ch/wp_update2020/wp-content/uploads/GT_5_Vermieten_2022-2026.pdf)

<sup>111</sup> <https://www.wipo.int/wipolex/en/text/186894>

<p>2) Keine Vergütungspflicht besteht bei:</p> <ul style="list-style-type: none"> <li>a) Werken der Baukunst;</li> <li>b) Werkexemplaren der angewandten Kunst;</li> <li>c) Werkexemplaren, die für eine vertraglich vereinbarte Nutzung von Urheberrechten ausgeliehen werden.</li> </ul> <p>3) Die Regierung kann durch Verordnung bestimmte Kategorien von Einrichtungen, wie Bildungsanstalten oder öffentliche Bibliotheken, von der Zahlung der Vergütung ausnehmen.</p> <p>4) Die Vergütungsansprüche können nur von einer in Liechtenstein zugelassenen Verwertungsgesellschaft (Art. 50 ff.) geltend gemacht werden.</p>	<p>2) There is no obligation to pay:</p> <ul style="list-style-type: none"> <li>a) works of architecture;</li> <li>b) copies of applied art works;</li> <li>c) Copies of works that are intended for a contractually agreed use of Copyrights can be borrowed.</li> </ul> <p>3) The government may by regulation certain categories of Institutions such as educational institutions or public libraries from the payment of remuneration.</p> <p>4) Claims for remuneration can only be made by a person in Liechtenstein authorized collecting society (Art. 50 ff.).</p>
---	---

#### Directive on Copyright and Neighbouring Rights

Original Wording <sup>112</sup>	Machine Translation by Google Translate
<p>Va. Verleihen von Werkexemplaren 1 Art. 33a2 Ausnahmen von der Vergütungspflicht</p>	<p>Va. Loaning copies of works Art. 33a2 Exceptions to the obligation to pay remuneration</p>
<p>Von der Vergütungspflicht nach Art. 15 Abs. 1 URG ausgenommen sind Gemeindebibliotheken sowie andere Bibliotheken öffentlicher und privater Bildungseinrichtungen</p>	<p>Exempt from the obligation to pay remuneration in accordance with Art. 15 Para. 1 URG are community libraries and other public libraries private educational institutions</p>

#### 121 DISTRIBUTION RULES

The distribution rules of Pro Litteris apply.<sup>113</sup>

<sup>112</sup> <https://www.wipo.int/wipolex/en/legislation/details/6899>

<sup>113</sup> [https://prolitteris.ch/wp\\_update2020/wp-content/uploads/Verteilungsreglement\\_2022.pdf](https://prolitteris.ch/wp_update2020/wp-content/uploads/Verteilungsreglement_2022.pdf)

## 122 COUNTRY REPORT LITHUANIA

### 122.1 Additional System Information

- The Copyright law system rules that lending is part of the exclusive distribution right of the author.
- The PLR fund is set by the Government, taking into account the proposals of the Council of Copyright and Related Rights.<sup>114</sup>
- The CMO LATGA, a multi-repertoire collecting society administers PLR.
- The system covers public libraries. Educational libraries and scientific institutions are exempt from payment.
- In 2022, € 534,280 were collected for PLR.

### 122.2 Best practices in the country

- As libraries often missed the appropriate budget and needed more support in funding, a campaign by the book sector tried to help. Supported by the former President, the Christmas campaign (Knygų Kalėdos - Books' Christmas), the help of the book sector was needed to support. The campaign stopped with the change of the government. Libraries tried to continue the campaign by themselves but it was not so successful as it was before.<sup>115</sup>

### 122.3 Resources for further research

<https://www.latga.lt/en/>  
<https://plrinternational.com/established>

### 122.4 Legal Provision in National Law

#### Copyright Act

Original Wording <sup>116</sup>	Translation <sup>117</sup>
<p>2 straipsnis. Pagrindinės šio Įstatymo sąvokos</p> <p>...</p> <p>24. Kolektyvinio autorių teisių ir gretutinių teisių administravimo atskaitymai (toliau – kolektyvinio administravimo atskaitymai) – kolektyvinio administravimo organizacijos atskaitoma dalis iš pajamų, gautų už kūrinių ar gretutinių teisių objektų naudojimą, arba iš investuotų pajamų už kūrinių ar gretutinių teisių objektų naudojimą, kuria padengiamos organizacijos patiriamos</p>	<p>Article 2. Main Definitions of this Law</p> <p>...</p> <p>24. Derivatives of collective copyright and related rights (hereinafter referred to as “collective administration deductions”) shall be deducted from the income received for the use of works or related rights, or from invested income for the use of works or related rights the costs of copyright or related rights are incurred</p>

<sup>114</sup> <https://ifrr.org/page/member-details/latga/?k=ro-1ecf3d401b9bcc255235ff69c90cc019>

<sup>115</sup> Information given by Rūta Elijošaitytė-Kaikarė on February, 7, 2024.

<sup>116</sup> <https://www.wipo.int/wipolex/en/text/586110>

<sup>117</sup> <https://www.wipo.int/wipolex/en/text/191199>

<p>autorių teisių arba gretutinių teisių administravimo sąnaudos.</p> <p>41. Panauda – kūrinio, gretutinių teisių ar sui generis teisių objekto originalo ar kopijos perdavimas tam tikrą laiką neatlygintinai naudotis bibliotekose ar kitose viešai prieinamose įstaigose.</p>	<p>41. Lending - the transfer of the original or a copy of a work, related rights or sui generis right object for use for a specified period of time, free of charge in libraries or other institutions open to the public.</p>
<p>15 straipsnis. Autorių turtinės teisės</p> <p>1. Autorius turi išimtinės teises leisti arba uždrausti šiuos veiksmus:</p> <p>...</p> <p>5) platinti kūrinio originalą ar jo kopijas parduodant, įskaitant viešą siūlymą juos pirkti ar tikslinę kūrinio originalo ar jo kopijų reklamą, skatinančią vartotojus juos įsigyti, taip pat nuomoti, teikti panaudai ar kitaip perduoti kūrinio originalą ar jo kopijas nuosavybėn arba valdyti,</p> <p>importuoti ar eksportuoti;</p> <p>Straipsnio punkto pakeitimai:</p> <p>...</p> <p>7) viešai atlikti kūrinį bet kokiais būdais ir priemonėmis;</p>	<p>Article 15. Copyright property rights</p> <p>1. The author has exclusive rights to allow or prohibit the following:</p> <p>...</p> <p>5) to distribute the original or copies of the work by selling, including a public proposal to buy them or the target advertisement of the original or copies of the work, encouraging consumers to purchase them, as well as rent, provide or otherwise transfer the original or copies of the work or control it, import or export;</p> <p>Amendments to the article of the article:</p> <p>...</p> <p>7) to perform the work in any way and means;</p>
<p>16 straipsnis. Kūrinio platinimas po pirmojo pardavimo ar kitokio nuosavybės teisių į kūrinį perdavimo</p> <p>1. Autoriui ar jo teisių perėmėjui, kuris pardavė ar kitu būdu perdavė nuosavybėn Europos ekonominės erdvės valstybių teritorijoje kūrinio originalą ar jo kopijas, Europos ekonominės erdvės valstybių teritorijoje nustoja galioti (išnaudojama) išimtinė teisė platinti teisėtai apyvartoje esantį kūrinį ar jo kopijas.</p>	<p>Article 16. Distribution of a piece after the first sales or other ownership of the work to the work</p> <p>1. To the author or his successor, who has sold or otherwise transferred the original or copies of the work of the European Economic Area in the territory of the European Economic Area, the exclusive right to distribute the work or copies of the lawfully circulated in the territory of the European Economic Area shall cease to be valid.</p>

<p>2. Šio straipsnio 1 dalies nuostatos netaikomos išimtinai teisei nuomoti ar teikti panaudai parduotą ar kitaip perduotą nuosavybėn kūrinį ar jo kopijas.</p> <p>3. Teikiant panaudai knygas ir vaizduojamojo meno leidinius (dailės ir fotografijų albumus) bibliotekose, jų autoriai arba jų teisių paveldėtojai turi teisę gauti kompensacinį atlyginimą už perduotą išimtinę teisę teikti kūrinį panaudai. Šio kompensacinio atlyginimo dydį ir mokėjimo tvarką nustato Lietuvos Respublikos Vyriausybė (toliau – Vyriausybė), atsižvelgdama į Lietuvos autorių teisių ir gretutinių teisių komisijos siūlymus. Šis atlyginimas nemokamas teikiant panaudai knygas ir kitus leidinius švietimo ir mokslo įstaigų bibliotekose.</p>	<p>2. The provisions of paragraph 1 of this Article shall not apply to the exclusive right to lease or submit a work or copy of the sale or otherwise transferred or otherwise transferred.</p> <p>3. When providing use books and visual arts (art and photography albums) in libraries, their authors or their heirs are entitled to compensation for the exclusive right to provide the work. The amount of this compensatory reward and The payment procedure shall be established by the Government of the Republic of Lithuania (hereinafter referred to as the Government), taking into account the proposals of the Lithuanian Copyright and Related Rights Commission. This salary is free of charge in the provision of books and other publications in libraries of educational and educational institutions.</p>
<p>54 straipsnis. Fonogramų gamintojų teisės</p> <p>1. Fonogramos gamintojas turi išimtinės teises leisti arba uždrausti šiuos veiksmus:</p> <ol style="list-style-type: none"> <li>1) atgaminti fonogramą;</li> <li>2) išleisti fonogramą;</li> <li>3) padaryti fonogramą ar jos kopiją viešai prieinamą;</li> <li>4) platinti fonogramą ar jos kopijas parduodant, įskaitant viešą siūlymą jas pirkti ar tikslinę fonogramos ar jos kopijų reklamą, skatinančią vartotojus jas įsigyti, taip pat nuomoti, teikti panaudai ar kitaip perduoti nuosavybėn arba valdyti, importuoti ar eksportuoti.</li> </ol> <p>Straipsnio punkto pakeitimai:</p> <p>2. Šio straipsnio 1 dalies 3 punkte nurodyta teisė padaryti fonogramą ar jos kopiją viešai prieinamą apima jų perdavimą laidais ar</p>	<p>Article 54. Rights of phonograms manufacturers</p> <p>1. The phonogram manufacturer has exclusive rights to allow or prohibit the following:</p> <ol style="list-style-type: none"> <li>1) reproduce the phonogram;</li> <li>2) release the phonogram;</li> <li>3) make a phonogram or a copy thereof publicly;</li> <li>4) to distribute a phonogram or copies of it for sale, including a public offer to buy them or target phonogram or copies advertising for users, as well as to rent, to use or otherwise transfer, import or export.</li> </ol> <p>Amendments to the article of the article:</p> <p>2. The right to make a phonogram or a copy of it in Article 3 of this Article of this Article shall include their transmission by wires or</p>

<p>bevielio ryšio priemonėmis, kad visuomenės nariai galėtų jas pasiekti individualiai pasirinktoje vietoje ir pasirinktu laiku (pvz., kompiuterių tinklais (internete) pagal pareikalavimą arba kitokiais būdais).</p> <p>3. Šio straipsnio 1 dalies 4 punkte nurodyta išimtinė teisė platinti fonogramą ar jos kopijas, išskyrus teisę nuomoti ir teikti panaudai fonogramą ar jos kopijas, Europos ekonominės erdvės valstybių teritorijoje nustoja galioti (išnaudojama) į fonogramos gamintojo ar jo teisių perėmėjo arba jų leidimu į Europos ekonominės erdvės valstybių teritorijoje parduotą ar kitu būdu perduotą</p> <p>nuosavybėn ir teisėtai komercinėje apyvartoje esančią fonogramą ar jos kopijas</p>	<p>wireless means so that members of the public can access them at an individual selected location and at the time of their choice (eg computer networks (online) on demand or on demand or demand other ways).</p> <p>3. The exclusive right to distribute the phonogram or copies of the phonogram, except for the right to lease and submit a phonogram or copies thereof in the territory of the European Economic Area, shall cease (exploited) to the phonogram manufacturer or his or her permit to European the economic space in the territory of the states sold or otherwise transmitted the phonogram or copies of it in a commercial circulation and lawfully</p>
---	--

### 122.5 Distribution Rules

The distribution rules of LATGA apply.



## 123 COUNTRY REPORT LUXEMBOURG

### 124 ADDITIONAL SYSTEM INFORMATION

- Art. 65 of the Copyright Act from 2001 and the Règlement Grand Ducal of January 8, 2007 provides for exhaustion of the lending right as well as for a fair remuneration for public lending. The wording of the provisions is still based on provisions very similar to the former Belgian regulation (before the VEWA case<sup>118</sup>).
- Currently, 2 € per library card holder at least lending once a year is paid. Libraries have to report the numbers (also work titles and numbers of loans per work for distribution purposes) and pay accordingly to LUXOR. In application of the VEWA judgment, this is not considered sufficient to compensate the damage for rightsholders. Discussions with the Luxembourg office for intellectual property (OPI) are ongoing.
- The system covers 15 public libraries, educational and scientific libraries are exempt and other specialist libraries.
- Books, audio visual works, music & newspapers and electronic media. All books carrying an ISBN are covered by the system, also schoolbooks and other works within public libraries.
- Eligible Recipients are writers, illustrators, photographers, translators and editors.
- PLR is currently the only remuneration paid under copyright law, there is no copying remuneration. The Luxembourg CMOs SACEM (Music), LUXOR (Text and image) and ALGOA (audiovisual) govern the distribution of PLR, LUXOR being responsible for collecting the PLR from libraries directly.
- In Luxembourg, there is no remuneration for copies of library users as libraries are regulated under the ministry of culture, whereas CMOs are regulated by the Ministry of Economic Affairs.

### 125 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- Discussions about a legal reform of the remuneration system based only on library card holders have been taken up by LUXOR with the Luxembourg Intellectual Property Office (OPI).<sup>119</sup>

### 126 RESOURCES FOR FURTHER RESEARCH

<https://www.luxorr.lu/>

### 127 LEGAL PROVISION IN NATIONAL LAW

Luxembourg Copyright Act (Loi modifiée du 18 avril 2001 sur les droits d'auteur, les droits voisins et les bases de données)

Original wording <sup>120</sup>	Machine Translation <sup>121</sup>
65. Lorsque l'œuvre ou la prestation ont été licitement rendues accessibles au public, l'auteur et le titulaire de droits voisins ne peuvent interdire le prêt public.	65. When the work or performance has been lawfully made accessible to the public, the author and the holder of related rights cannot prohibit public lending.

<sup>118</sup> ECJ, Judgement of June 30, 2011, C-271-10 – VEWA.

<sup>119</sup> Information in interview by Gérard Scheiwen on January, 23, 2024.

<sup>120</sup> <https://wipolex-res.wipo.int/edocs/lexdocs/laws/fr/lu/lu042fr.pdf>

<sup>121</sup> <https://www.wipo.int/wipolex/en/text/585393>

<p>Toutefois, les auteurs et les artistes interprètes ou exécutants ont droit à une rémunération au titre de ce prêt dans les conditions fixées par un règlement grand-ducal qui en précise le montant et détermine les établissements de prêt exemptés du paiement de cette rémunération</p>	<p>However, authors and performers are entitled to a remuneration under this loan under the conditions set by a grand-ducal regulation which specifies the amount and determines the lending institutions exempt from payment of this remuneration.</p>
---	---

Règlement Grand Ducal – 8.1.2007 Mémorial A n° 3/2007, 25/01/2007

Original wording <sup>122</sup>	Machine Translation by Google Translate
<p>Nous Henri, Grand-Duc de Luxembourg, Duc de Nassau,</p> <p>Vu l'article 65 de la loi modifiée du 18 avril 2001 sur les droits d'auteur, les droits voisins et les bases de données;</p> <p>Vu l'avis de la Chambre de commerce;</p> <p>Notre Conseil d'Etat entendu;</p> <p>Sur le rapport de Notre ministre de l'Economie et du Commerce extérieur, de Notre secrétaire d'Etat à la Culture, à l'Enseignement supérieur et à la Recherche, ainsi que de Notre ministre de l'Intérieur et de l'Aménagement du territoire, et après délibération du Gouvernement en conseil;</p> <p>Arrêtons:</p> <p>Art. 1er.</p> <p>Par prêt d'objets au sens du présent règlement, on entend leur mise à disposition pour l'usage, pour un temps limité et non pour un avantage économique ou commercial direct ou indirect, lorsqu'elle est effectuée par des établissements accessibles au public.</p>	<p>We Henri, Grand Duke of Luxembourg, Duke of Nassau,</p> <p>Considering article 65 of the amended law of April 18, 2001 on copyright, related rights and databases;</p> <p>Considering the opinion of the Chamber of Commerce;</p> <p>Our Council of State heard;</p> <p>On the report of Our Minister of the Economy and Foreign Trade, of Our Secretary of State for Culture, Higher Education and Research, as well as of Our Minister of the Interior and Urban Planning territory, and after deliberation of the Government in council;</p> <p>Let's stop:</p> <p>Art. 1st.</p> <p>By loan of objects within the meaning of this regulation, we mean their making available for use, for a limited time and not for a direct or indirect economic or commercial advantage, when carried out by establishments accessible to the public.</p>
<p>Art. 2.</p> <p>La rémunération redue aux auteurs et artistes interprètes ou exécutants pour le prêt public de leurs oeuvres et de supports contenant leurs prestations est à charge de l'Etat ou de la commune lorsque l'établissement de prêt public est exploité</p>	<p>Art. 2.</p> <p>The remuneration paid to authors and performers for the public loan of their works and media containing their performances is the responsibility of the State or the municipality when the public loan establishment is operated respectively on</p>

<sup>122</sup> [https://www.stradalex.lu/fr/slu\\_src\\_publ\\_leg\\_mema/toc/leg\\_lu\\_mema\\_200701\\_3/doc/mema\\_2007A0029A](https://www.stradalex.lu/fr/slu_src_publ_leg_mema/toc/leg_lu_mema_200701_3/doc/mema_2007A0029A)

<p>respectivement pour le compte de l'Etat ou d'une commune. Elle est à charge de l'établissement de prêt public dans les autres cas.</p> <p>La rémunération est versée par les débiteurs précités à un ou plusieurs organismes de gestion et de répartition de droits, autorisés à agir conformément à l'article 66 de la loi, ci-après dénommé organisme, représentant respectivement les auteurs et les artistes interprètes ou exécutants.</p> <p>Lorsque l'auteur ou l'artiste interprète ou exécutant n'a pas confié la gestion de ses droits à un organisme, l'organisme qui gère des droits de la même catégorie est réputé être chargé de gérer ses droits. Lorsque plusieurs organismes gèrent des droits de cette catégorie, le débiteur de la rémunération désigne celui qui sera réputé être chargé de la gestion des droits de l'auteur ou de l'artiste qui n'a pas adhéré de son initiative à pareil organisme. L'auteur ou l'artiste interprète ou exécutant a les mêmes droits et obligations, en ce qui concerne le prêt public de ses oeuvres ou supports contenant ses prestations, que les titulaires qui ont chargé cet organisme de défendre leurs droits. Il doit faire valoir ses droits endéans les douze mois à compter de la fin de l'année de perception.</p>	<p>behalf of the State or municipality. It is responsible for establishing public loans in other cases.</p> <p>The remuneration is paid by the aforementioned debtors to one or more rights management and distribution organizations, authorized to act in accordance with Article 66 of the law, hereinafter referred to as the organization, representing respectively the authors and the performers. .</p> <p>When the author or performing artist has not entrusted the management of his rights to an organization, the organization which manages rights of the same category is deemed to be responsible for managing his rights. When several organizations manage rights in this category, the debtor of the remuneration designates the one who will be deemed to be responsible for managing the rights of the author or artist who has not voluntarily joined such an organization. The author or performing artist has the same rights and obligations, with regard to the public loan of his works or media containing his performances, as the holders who have instructed this organization to defend their rights. He must assert his rights within twelve months from the end of the year of collection.</p>
<p>Art. 3.</p> <p>La rémunération n'est pas due lorsque les prêts sont effectués par un établissement scolaire, universitaire ou de recherche scientifique ou tout autre institution et établissement pratiquant le prêt spécialisé, thématique ou ouvert à un public ciblé dont la liste est établie par un arrêté grand-ducal.</p>	<p>Art. 3.</p> <p>Remuneration is not due when loans are made by an educational, university or scientific research establishment or any other institution and establishment practicing specialized, thematic lending or open to a targeted public, the list of which is established by a grand decree. ducal.</p>
<p>Art. 4.</p> <p>Le montant rendu par un établissement de prêt public au titre de la rémunération équitable est fixé forfaitairement à 2 euros par usager y inscrit pendant l'année civile écoulée et ayant effectué, pendant cette même période, au moins un emprunt. Ce montant est versé aux organismes.</p>	<p>Art. 4.</p> <p>The amount returned by a public lending institution as fair remuneration is fixed at a flat rate of 2 euros per user registered there during the past calendar year and having made, during this same period, at least one loan. This amount is paid to the organizations.</p>

<p>Lorsque l'auteur et l'artiste interprète ou exécutant sont en droit de réclamer une rémunération pour le prêt d'un même objet, la rémunération revient pour moitié à l'auteur et pour moitié à l'artiste interprète ou exécutant.</p>	<p>When the author and the performing artist are entitled to claim remuneration for the loan of the same object, the remuneration goes half to the author and half to the performer.</p>
<p>Art. 5.</p> <p>Pour permettre aux organismes de répartir équitablement la rémunération pour prêt public, les établissements de prêt leur fournissent, sur demande, les renseignements relatifs au nombre d'utilisateurs inscrits visés à l'article 4, au nombre de prêts, aux oeuvres prêtées ainsi qu'aux supports prêtés contenant les prestations.</p>	<p>Art. 5.</p> <p>To enable organizations to fairly distribute remuneration for public loans, lending establishments provide them, upon request, with information relating to the number of registered users referred to in Article 4, the number of loans, the works loaned as well as to the lent media containing the services.</p>
<p>Art. 6.</p> <p>Notre ministre de l'Economie et du Commerce extérieur, Notre secrétaire d'Etat à la Culture, à l'Enseignement supérieur et à la Recherche, ainsi que Notre ministre de l'Intérieur et de l'Aménagement du territoire sont chargés de l'exécution du présent règlement grand-ducal qui sera publié au Mémorial.</p> <p>Le Ministre de l'Economie et du Commerce extérieur,</p> <p>Jeannot Krecké</p> <p>La Secrétaire d'Etat à la Culture, à l'Enseignement supérieur et à la Recherche,</p> <p>Octavie Modert</p> <p>Le Ministre de l'Intérieur et de l'Aménagement du territoire,</p> <p>Jean-Marie Halsdorf</p>	<p>Art. 6.</p> <p>Our Minister of the Economy and Foreign Trade, Our Secretary of State for Culture, Higher Education and Research, as well as Our Minister of the Interior and Regional Planning are responsible for execution of this grand-ducal regulation which will be published in the Memorial.</p> <p>The Minister of the Economy and Foreign Trade,</p> <p>Jeannot Krecké</p> <p>The Secretary of State for Culture, Higher Education and Research,</p> <p>Octavie Modert</p> <p>The Minister of the Interior and Regional Planning,</p> <p>Jean-Marie Halsdorf</p>

## 128 DISTRIBUTION RULES

- Only members of LUXOR receive the remuneration, registration of creators is required.
- No visual artists are members of LUXOR yet.

## 129 COUNTRY REPORT NETHERLANDS

### 130 ADDITIONAL INFORMATION

- PLR was introduced in 1996, when an actual public lending right was first incorporated in the Dutch Copyright Act (Auteurswet) and the Dutch Neighbouring Rights Act (Wet op de naburige rechten),
- Stichting Leenrecht (Dutch Public Lending Right Office) is the governing organization.
- Stichting Leenrecht collects public lending right payments directly from libraries, but also from toy, CD and art lending libraries. The institution also distributes PLR through distribution agencies, existing organizations each representing a special group of rightholders (authors, translators, illustrators, photographers, designers, publishers, composers, musicians, actors, artists, producers and other rightholders – see institution below under Distribution Details) receive their payment.
- A small amount of PLR is used for social and cultural purposes for the benefit of the rightholders of the specific distributing CMOs.
- The public lending right rates are determined by Stichting Onderhandeligen Leenvergoedingen, StOL (Dutch Foundation for Negotiations on Lending Remuneration). The parties obliged to pay as well as the rightholders are members of StOL. StOL has been designated for this purpose by the Minister of Justice by agreement with the Minister of Education, Culture and Science. StOL has an independent chairman who is appointed by the Minister of Justice by agreement with the Minister of Education, Culture and Science. The chairman has a casting vote in the event that the board cannot reach a decision.<sup>123</sup>
- Tariff

Type of work	Carriers	- Rate in euros
Writings	Books, sheet music, magazines, documentation folders and slide series	0.1660
Audiobooks	Audio CDs, USB sticks	0.2146
Audio	LPs, CDs, minidisks and music cassettes	0.4109
Video	DVD Videos, DVDs and Blu-rays	0.4109
Multimedia	CD-ROMs, DVD-ROMs, games and computer diskettes	0.7048
Complete Musical Works/ Score Parts		6.4372
Ebooks	Ebooks	
Art Loan	Artworks	2.9251

- Anyone who is recognized as a copyright owner under the 1912 Copyright Act or the Neighboring Rights Act is in principle entitled to remuneration if the copyrighted work is lent.<sup>124</sup>
  - o Writers, Freelance journalists
  - o Translators
  - o Subtitlers
  - o Illustrators

<sup>123</sup> <https://www.leenrecht.nl/en/Structure>

<sup>124</sup> <https://www.leenrecht.nl/nl/Verdeelorganisaties>

- Photographers
- Contributors
- Compilers
- Screenwriters
- Publishers
- Performing artists (musicians, dramatists, actors, etc.)
- Performing producers
- Directors
- Broadcasters

### 131 BEST PRACTICES IN THE COUNTRY

- Broad coverage of all types of protected works and rightsholders.
- Highly specific distribution with many participating organizations

### 132 LINKS USED FOR RESEARCH

<https://www.leenrecht.nl/>

### 133 LEGAL PROVISION IN NATIONAL LAW

Dutch Copyright Act (Auteurswet)

Original Wording <sup>125</sup>	Translation <sup>126</sup>
<p>Artikel 12 [...] 3°. het verhuren of uitlenen van het geheel of een gedeelte van een exemplaar van het werk met uitzondering van bouwwerken en werken van toegepaste kunst, of van een verveelvoudiging daarvan die door de rechthebbende of met zijn toestemming in het verkeer is gebracht;</p> <p>[...] 3. Onder uitlenen als bedoeld in het eerste lid, onder 3°, wordt verstaan het voor een beperkte tijd en zonder direct of indirect economisch of commercieel voordeel voor gebruik ter beschikking stellen door voor het publiek toegankelijke instellingen. [...]</p>	<p>Article 12 (1) [...] 3° the rental or lending of the whole or part of an original work, works of architecture and works of applied art excepted, or of a reproduction thereof which has been put into circulation by or with the consent of the right owner;</p> <p>[...]</p> <p>3. Lending as referred to in the first paragraph sub 3° means making available for use by establishments which are accessible to the public, for a limited period of time and not for direct or indirect economic or commercial advantage. [...]</p>
<p>Artikel 15c</p> <p>1. Als inbreuk op het auteursrecht op een werk van letterkunde, wetenschap of kunst wordt niet beschouwd het uitlenen als bedoeld in artikel 12, eerste lid, onder 3°, van het geheel of een gedeelte van een exemplaar van het werk of van een verveelvoudiging daarvan die door de rechthebbende of met zijn toestemming in het verkeer is gebracht, mits degene die de uitlening verricht of doet verrichten een</p>	<p>Article 15c</p> <p>1. Provided the person doing or causing the lending pays a fair compensation, it is not regarded as an infringement of the copyright, to lend within the meaning of Article 12, first paragraph sub 3°, the whole or part of the work or a copy which has been put into circulation by or with the consent of the right owner. The first sentence shall not apply to a work as meant</p>

<sup>125</sup> <https://www.wipo.int/wipolex/en/text/468398>

<sup>126</sup> <https://www.ivir.nl/syscontent/pdfs/119.pdf>

<p>billijke vergoeding betaalt. De eerste zin is niet van toepassing op een werk als bedoeld in artikel 10, eerste lid, onder 12° tenzij dat werk onderdeel uitmaakt van een van gegevens voorziene informatiedrager en uitsluitend dient om die gegevens toegankelijk te maken.</p> <p>2. Instellingen van onderwijs en instellingen van onderzoek en de aan die instellingen verbonden bibliotheken en de Koninklijke Bibliotheek zijn vrijgesteld van de betaling van een vergoeding voor uitlenen als bedoeld in het eerste lid.</p> <p>3. Publiek toegankelijke bibliotheekvoorzieningen, die in overwegende mate door gemeenten, provincies, het rijk of het openbaar lichaam Bonaire, Sint Eustatius of Saba worden gesubsidieerd of in stand gehouden, zijn voor het uitlenen van op basis van artikel 15i omgezette werken aan bij die voorzieningen ingeschreven personen met een handicap, vrijgesteld van betaling van de vergoeding, bedoeld in het eerste lid.</p> <p>4. De in het eerste lid bedoelde vergoeding is niet verschuldigd indien de betalingsplichtige kan aantonen dat de maker of diens rechtverkrijgende afstand heeft gedaan van het recht op een billijke vergoeding. De maker of diens rechtverkrijgende dient de afstand schriftelijk mee te delen aan de in de artikelen 15d en 15f bedoelde rechtspersonen.</p>	<p>in Article 10, first paragraph sub 12°, unless that work is part of a data carrier that contains data and the work serves exclusively to make said data accessible.</p> <p>2. Educational establishments and research institutes and their dependent libraries, and the Royal Library (fn: Koninklijke Bibliotheek) are exempt from payment of a lending remuneration as meant in the first paragraph.</p> <p>3. Libraries funded by the Foundation Fund for the Blind and Visually Impaired (fn: Stichting fonds voor het bibliotheekwerk voor blinden en slechtzienden.) are exempt from payment of compensation as meant in the first paragraph, in respect of items lent for the benefit of blind and visually impaired persons registered with said libraries.</p> <p>4. The compensation meant in the first paragraph is not owed if the person liable for payment can demonstrate that the maker or his successor in title has waived the right to fair compensation. The maker or his successor in title must notify the legal persons referred to in Articles 15d and 15f of the waiver in writing.</p>
<p>Artikel 15d</p> <p>De hoogte van de in artikel 15c, eerste lid, bedoelde vergoeding wordt vastgesteld door een door Onze Minister van Justitie in overeenstemming met Onze Minister van Onderwijs, Cultuur en Wetenschappen aan te wijzen stichting waarvan het bestuur zodanig is samengesteld dat de belangen van de makers of hun rechtverkrijgenden en de ingevolge artikel 15c, eerste lid, betalingsplichtigen op evenwichtige wijze worden behartigd. De voorzitter van het bestuur van deze stichting wordt benoemd door Onze Minister van Justitie in</p>	<p>Article 15d</p> <p>The level of the compensation meant in Article 15c, first paragraph, shall be determined by a foundation to be designated by Our Minister of Justice in agreement with Our Minister of Education, Culture and Science, the board of which shall be so composed as to represent in a balanced manner the interests of the makers or their successors in title and the persons liable for payment pursuant to Article 15c, first paragraph. The chair of the board of this foundation will be appointed by Our Minister of Justice in agreement with Our Minister of Education, Culture and</p>

<p>overeenstemming met Onze Minister van Onderwijs, Cultuur en Wetenschappen. Het aantal bestuursleden van deze stichting dient oneven te zijn.</p>	<p>Science. The board must have an uneven number of members.</p>
<p>Artikel 15e</p> <p>Geschillen met betrekking tot de in artikel 15c, eerste lid, bedoelde vergoeding worden in eerste aanleg bij uitsluiting beslist door de rechtbank Den Haag.</p>	<p>Article 15e</p> <p>Disputes concerning the compensation meant in Article 15c, first paragraph, shall be decided in the first instance by the District Court at The Hague exclusively.</p>
<p>Artikel 15f</p> <p>1. De betaling van de in artikel 15c bedoelde vergoeding dient te geschieden aan een door Onze Minister van Justitie in overeenstemming met Onze Minister van Onderwijs, Cultuur en Wetenschappen aan te wijzen naar hun oordeel representatieve rechtspersoon, die met uitsluiting van anderen belast is met de inning en de verdeling van deze vergoeding. In aangelegenheden betreffende de vaststelling van de hoogte van de vergoeding en de inning daarvan alsmede de uitoefening van het uitsluitende recht vertegenwoordigt de in de vorige zin bedoelde rechtspersoon de rechthebbenden in en buiten rechte.</p> <p>2. De rechtspersoon, bedoeld in het eerste lid, staat onder toezicht van het College van Toezicht, bedoeld in de Wet toezicht collectieve beheersorganisaties auteurs- en naburige rechten.</p> <p>3. De verdeling van de geïnde vergoedingen geschiedt overeenkomstig een reglement, dat is opgesteld door de rechtspersoon, bedoeld in het eerste lid, en dat is goedgekeurd door het College van Toezicht, bedoeld in de Wet toezicht collectieve beheersorganisaties auteurs- en naburige rechten.</p>	<p>Article 15f</p> <p>1. The compensation meant in Article 15c must be paid to a legal person , which is to be designated by Our Minister of Justice in agreement with Our Minister of Education, Culture and Science, and which they judge to be representative. The legal person shall be exclusively entrusted with the collection and distribution of these compensations. In matters relating to the level and collection of the compensation and the exercise of the exclusive right, the legal person referred to in the preceding sentence represents the right holders at law and otherwise.</p> <p>2. The legal person meant in the first paragraph will be supervised by the Supervisory Board as meant in the Act on Supervision of Collective Management Organizations for Copyright and Related Rights. (fn: Wet toezicht collectieve beheersorganisaties auteurs- en naburige rechten.)</p> <p>3. Distribution of the compensation collected will take place on the basis of regulations drawn up by the legal person meant in the first paragraph and approved by the Supervisory Board meant in the Act on Supervision of Collective Management Organizations for Copyright and Related Rights.</p>
<p>Artikel 15g</p> <p>Degene die tot betaling van de in artikel 15c, eerste lid, bedoelde vergoeding verplicht is, is gehouden, voor zover geen ander tijdstip is overeengekomen, vóór 1 april van ieder kalenderjaar aan de in artikel</p>	<p>Article 15g</p> <p>Unless another date is agreed, by 1 April of every calendar year whoever is required to pay the compensation meant in Article 15c, first paragraph, is obliged to submit a return of the number of legal acts performed as meant in Article 15c to the legal person</p>



<p>15f, eerste lid, bedoelde rechtspersoon opgave te doen van het aantal rechtshandelingen, bedoeld in artikel 15c. Hij is voorts gehouden desgevraagd aan deze rechtspersoon onverwijld de bescheiden of andere informatiedragers ter inzage te geven, waarvan kennisneming noodzakelijk is voor de vaststelling van de verschuldigdheid en de hoogte van de vergoeding.</p>	<p>referred to in Article 15f, first paragraph. He is further obliged to provide said legal person, on request, immediate access to any documents or other data carriers needed to establish liability and the level of the compensation.</p>
---	---

Dutch Neighbouring Rights Act (Wet op de naburige rechten)

#### 134 DISTRIBUTION RULES

- The following participating organizations are affiliated with Stichting Leenrecht:
  - o Dutch Association of Writers and Translators (de Auteursbond)
  - o Dutch Publishers Association (Nederlands Uitgeversverbond, NUV)
  - o Association of Music Traders and Publishers in the Netherlands (Vereniging van muziekhandelaren en -uitgevers in Nederland)
  - o Netherlands Association of Interpreters and Translators (Nederlands Genootschap van Vertalers, NGTV)
  - o Dutch Union of Journalists (Nederlandse Vereniging van Journalisten)
  - o Stichting Pictoright (Dutch copyright organization for visual creators)
  - o Dutch Association of Producers and Importers of Image and Sound Carriers (Nederlandse Vereniging van Producenten en Importeurs van Beeld- en Geluidsdragers, NVPI)
  - o Stichting Stemra (Dutch Mechanical Copyright Organization)
  - o FNV Kiem (Dutch trade union for the arts, information, entertainment and media)
  - o Dutch Musicians Union (Nederlandse Toonkunstenaars Bond, Ntb)
  - o Dutch Illustrators Club (Nederlandse Illustratoren Club)
  - o Association of Dutch Designers (Bond van Nederlandse Ontwerpers, BNO)
  - o Netherlands Public Broadcasting (Nederlandse Publieke Omroep, NPO)
  - o Dutch Federation of Artists Associations (Federatie van Kunstenaarsverenigingen)
  - o Stichting Literaire Rechten Auteurs (Lira) (Dutch Foundation for Authors' Literary Rights)
  - o VEVAM (Dutch Foundation for the Exploitation of Exhibition Rights on Audiovisual Material)
  - o SEKAM (Dutch Foundation for the Exploitation of Cable Television Rights on Audiovisual Material)

- Split between Societies:

Books: LIRA 58,1%, PRO 30%, Pictoright 11,9%

Periodicals: LIRA 20%, Pictoright 30%, PRO 50%

Audiobooks: Pictoright 8,33%, NORMA 15%, STAP 15%, PRO 21%, LIRA 40,67%

Sheet Music: FEMU 100%

AUDIO/CD: LIRA 2,43%, Pictoright 3,00%, Stemra 29,91%, STAP 32,33%, NORMA 32,33%

VIDEO/DVD: Pictoright 1,43%, LIRA (scenaristen), 11,66%, VEVAM 10,07%, Stemra 10,18%, Sekam Video 33,33%, NORMA 33,33%

Multimedia, Complete Musical Works and Art Loan: MULTIMEDIA VEVAM 2%, Stemra 2%, Pictoright 13%, NORMA 13%, LIRA 20%, PRO 50%

Music: FEMU 100%

Art Loans: Pictoright 100%

## 135 COUNTRY REPORT NEW ZEALAND

### 136 ADDITIONAL SYSTEM INFORMATION

- The Public Lending Right for New Zealand was established in 2008, The New Zealand Society of Authors (NZSA) had lobbied for PLR since the late 1960s.
- The government pays a flat rate sum in form of a fund assessed by the Prime Minister, currently, \$2.4million NZD (about 1,477 Mio. USD).
- PLR is administered by the National Library of New Zealand, counting titles by surveying a sample of New Zealand libraries, based on advice from Statistics New Zealand. The nature of the survey alternates each year, between counting all titles, and only counting new titles. The sample includes the National Library, all the large public libraries, the university libraries, consortia like SMART, and a rotating selection of the rest of New Zealand libraries
- All the print copies of a title held by the library being surveyed are counted.
- This weighted survey methodology gives us an estimated count — you may find your title count is (frustratingly) 49. To maintain the fairness of the fund, we can't increase counts to meet the threshold for payment.
- Institutions covered include public libraries, school libraries are exempt.
- The system compensates authors, illustrators, and editors.
- Illustrators receive PLR as co-authors, but not for cover art or as a person who writes or illustrates a book as part of his or her duties under a contract of service or a contract for services." Also, it does not include a person who receives payment for writing or illustrating a book wholly by way of a fee."

Material covers printed books, but no digital formats. Books have a 50-copy threshold to be remunerated.

- o Adult books must be at least 48 pages long.
  - o Children's books must be at least 24 pages of text or text and illustrations.
  - o Poetry must be at least 24 pages in length.
  - o Editors registering must have contributed at least 48 pages to the book they are editing.
  - o Books must have no more than 3 authors/contributors.
  - o Self-published books are eligible.
- Registration is necessary, book must be published by 1 January of the registration year
  - Authors registered with the Public Lending Right (PLR) scheme receive an annual payment based on the number of copies of their title held in New Zealand libraries. This number is determined by a regular survey. Eligible authors must be entitled to receive a royalty payment or income from the sale of your book.
  - Heirs only receive PLR in the year after the eligible person's death and only in case the person has registered before.

### 137 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- Reform discussions to include school and educational libraries as well as digital formats are ongoing, this is on the basis of an independent consultant's report, which was released with its recommendations in June 2020. Since then, the review has stalled and NZSA has been trying to affect its completion.

138 RESOURCES FOR FURTHER RESEARCH

<https://authors.org.nz/about/advocacy/public-lending-right/>  
<https://plrinternational.com/established>

139 LEGAL PROVISION IN NATIONAL LAW

Public Lending Right for New Zealand Authors Act 2008<sup>127</sup>

Original Wording
<p>1 Title</p> <p>This Act is the Public Lending Right for New Zealand Authors Act 2008.</p>
<p>2 Commencement</p> <p>This Act comes into force on 1 January 2009.</p>
<p>Part 1 Preliminary provisions</p> <p>3 Purposes The purposes of this Act are— (a) to establish the public lending right for New Zealand authors scheme; and (b) to disestablish the New Zealand Authors' Fund.</p>
<p>4 Interpretation</p> <p>In this Act, unless the context requires another meaning,—advisory group means the advisory group established under section 17 author is defined in section 5 book is defined in section 6 chief executive means the chief executive of the department of State that administers this Act Minister means the Minister of the Crown who is responsible for the administration of this Act— (a) under the authority of a warrant; or (b) under the authority of the Prime Minister New Zealand author is defined in section 7 New Zealand library is defined in section 8 register means the register kept under section 13(1) regulations means regulations under this Act scheme means the public lending right for New Zealand authors scheme that this Act establishes.</p>
<p>5 Meaning of author</p> <p>(1) Author means a person who— (a) satisfies subsection (2); and (b) satisfies whichever of subsections (3) to (5) is applicable to him or her; and (c) is not excluded from being an author by any of subsections (6) to (8); and</p>

<sup>127</sup> <https://www.legislation.govt.nz/act/public/2008/0104/latest/096be8ed81bb1cbd.pdf>

(d) satisfies conditions applicable to him or her added to this definition by regulations, if there are any such regulations.

(2) Author means a natural person.

(3) If a book's intellectual content is expressed only in text, author means a person who created the text.

(4) If a book's intellectual content is expressed only in illustrations, author means a person who created the illustrations.

(5) If a book's intellectual content is expressed in text and in illustrations, author means both a person who created the text and a person who created the illustrations.

(6) Author does not include a person who writes or illustrates a book as part of his or her duties under a contract of service or a contract for services.

(7) Author does not include a person who receives payment for writing or illustrating a book wholly by way of a fee.

(8) Author does not include a person who paid a third party to publish the person's book.

#### 6 Meaning of book

(1) Book means a publication that—

- (a) is listed in the national bibliographic database of the National Library of New Zealand Te Puna Mātauranga o Aotearoa; and
- (b) is not excluded from being a book by any of subsections (2) to (5); and
- (c) satisfies conditions applicable to it added to this definition by regulations, if there are any such regulations.

(2) Book does not include a serial publication.

(3) Book does not include a text book intended for use in schools.

(4) Book does not include charts, maps, plans, or tables.

(5) Book does not include sheet music.

#### 7 Meaning of New Zealand author

New Zealand author means an author who—

- (a) is a New Zealand resident as defined in section YD 1 of the Income Tax Act 2007; and
- (b) satisfies conditions applicable to him or her added to this definition by regulations, if there are any such regulations.

#### 8 Meaning of New Zealand library

New Zealand library means a library in New Zealand that—

- (a) makes its books available for use in New Zealand; and
- (b) satisfies conditions applicable to it added to this definition by regulations, if there are any such regulations.

#### 9 Act binds the Crown

This Act binds the Crown.

## Part 2

### Public lending right for New Zealand authors scheme

#### 10 Establishment of scheme

This Act establishes the public lending right for New Zealand authors scheme.

#### 11 Purpose of scheme

The purpose of the scheme is to provide for New Zealand authors to receive payments in recognition of the fact that their books are available for use in New Zealand libraries.

#### 12 Payments under scheme

(1) The chief executive must make annual payments under the scheme to New Zealand authors in accordance with regulations.

(2) If a New Zealand author dies after entering his or her name in the register for the year, the chief executive must make the annual payment to which the author is entitled to the administrator of the author's estate.

#### 13 Register for purposes of scheme

(1) The chief executive must keep a register in accordance with regulations.

(2) A person who is eligible under regulations for payments under the scheme, and who wants to receive payments under the scheme, must enter his or her name in the register annually in accordance with regulations.

#### 14 Matters that may be dealt with in regulations

(1) Regulations may deal with the matters described in this section.

(2) Regulations may add conditions to the definitions of "author", "book", "New Zealand author", and "New Zealand library" in sections 5 to 8.

(3) Regulations may specify the eligibility criteria for both books and New Zealand authors that entitle authors to payments under the scheme.

(4) Regulations may specify the kind of New Zealand library in which a New Zealand author's book must be available so as to entitle the author to payments under the scheme.

(5) Regulations may specify how New Zealand libraries are to be surveyed or sampled to establish the availability in them of a New Zealand author's book.

(6) Regulations may describe the method by which payments under the scheme are calculated.

(7) Regulations may prescribe requirements for the keeping of the register.

(8) Regulations may specify who may enter his or her name in the register and how he or she is to do it.

(9) Regulations may describe the process that a person must follow to challenge a decision affecting him or her made in the course of the scheme's administration.

(10) Regulations may provide for any other matters that are contemplated by this Act, necessary for its administration, or necessary to give it full effect.

#### 15 Consultation on proposal for regulations

(1) The chief executive must consult the advisory group on a proposal to make regulations.

(2) The chief executive must—

- (a) give the advisory group notice of the proposal; and
- (b) give the advisory group an opportunity to give its advice; and
- (c) consider the advice.

(3) The chief executive must advise the Minister of the results of the consultation.

(4) The Minister must—

- (a) satisfy himself or herself that the chief executive has consulted as required by subsection (2); and
- (b) take the results of the consultation into account; and
- (c) decide whether or not to recommend the making of the regulations to the Governor-General.

#### 16 Regulation-making power

(1) The Governor-General may make regulations by Order in Council about one or more of the matters described in section 14.

(2) The Governor-General may make the regulations only after being advised by the Minister to do so.

(3) Regulations under this section are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements). Legislation Act 2019 requirements for secondary legislation made under this section Publication PCO must publish it on the legislation website and notify it in the Gazette LA19 s 69(1)(c) Presentation The Minister must present it to the House of Representatives LA19 s 114, Sch 1 cl 32(1)(a)

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116  
This note is not part of the Act.

Section 16(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7). Advisory group

#### 17 Establishment of advisory group

(1) The chief executive must appoint an advisory group for the scheme.

(2) The advisory group is a statutory board for the purposes of the Fees and Travelling Allowances Act 1951.

(3) The members of the advisory group may be paid, out of public money, remuneration by way of fees, salaries, or allowances, and travelling allowances and travelling expenses, under the Fees and Travelling Allowances Act 1951. The provisions of that Act apply accordingly.

#### 18 Membership of advisory group

(1) The members of the advisory group—

- (a) must be persons who have appropriate experience, knowledge, and skills, in the chief executive's opinion; and
- (b) must include—
  - (i) at least 1 representative of organisations of authors:
  - (ii) at least 1 representative of organisations of librarians:
  - (iii) a representative of 1 or more relevant government departments; and
- (c) may include any other person to whom paragraph (a) applies.

(2) The following provisions apply to the terms of appointment of members of the advisory group:

- (a) the chief executive must fix a term of appointment for each member; and Part 2 s 16 Public Lending Right for New Zealand Authors Act 2008
- (b) each term must be for a period of less than 5 years; and
- (c) each term may be renewed.

(3) A member of the advisory group ceases to be a member if he or she—

- (a) dies; or
- (b) gives the chief executive written or electronic notice of his or her resignation as a member; or
- (c) is adjudged bankrupt under the Insolvency Act 2006; or
- (d) becomes a special patient as defined in section 2(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or
- (e) becomes the subject of an order under the Protection of Personal and Property Rights Act 1988; or
- (f) is convicted of an offence punishable by a term of imprisonment of 2 years or more.

(4) The chief executive may appoint a member to replace a member who has ceased to be a member.

(5) The chief executive must consult the Minister before appointing members to the advisory group.

#### 19 Functions of advisory group

(1) The functions of the advisory group are—

- a) to advise the chief executive on a proposal to make regulations when consulted under section 15; and
- b) to advise the chief executive on policy and administrative matters affecting the scheme when at a meeting called under section 20.

(2) In addition to the occasions described in subsection (1), the chief executive may ask for the advisory group's advice at any time by any written or electronic means.

#### 20 Meetings of advisory group

<p>The chief executive must call a meeting of the advisory group at least once every 3 years.</p>
<p>21 New Zealand Authors' Fund</p> <p>When this Act commences,—</p> <p>(a) section 31 of the Arts Council of New Zealand Toi Aotearoa Act 1994 is repealed; and</p> <p>(b) the New Zealand Authors' Fund established by section 31 of the Arts Council of New Zealand Toi Aotearoa Act 1994 is dissolved; and</p> <p>(c) assets and liabilities of the New Zealand Authors' Fund become assets and liabilities of the scheme.</p>
<p>Notes</p> <p>1 General</p> <p>This is a consolidation of the Public Lending Right for New Zealand Authors Act 2008 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.</p>
<p>2 Legal status</p> <p>A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown. Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.</p>
<p>3 Editorial and format changes</p> <p>The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.</p>
<p>4 Amendments incorporated in this consolidation</p> <p>Secondary Legislation Act 2021 (2021 No 7): section 3</p> <p>Wellington, New Zealand:</p> <p>Published under the authority of the New Zealand Government—2022</p>

Public Lending Right for New Zealand Authors Bill<sup>128</sup>

## 140 DISTRIBUTION RULES

- The Public Lending Right fund (\$2.4 million annually) is divided among registered authors, based on how many copies of their works are held by libraries.
- Amounts paid are not subject to tax.

<sup>128</sup> <https://www.legislation.govt.nz/bill/government/2008/0227/latest/096be8ed80223d2c.pdf>





## 141 COUNTRY REPORT NORWAY

### 142 ADDITIONAL SYSTEM INFORMATION

- The Scheme was first established in 1947, today based on PLR Act (1987).
- The Fund is managed by government body (Ministry of Culture), which is then distributed to the various rightsholder associations which then allocate the remunerations to authors via the relevant remuneration funds, including the Sami Non-Fiction Writers and Booksellers Association and the Sami artists' and authors' remuneration fund as grants, e.g., for travel and study. Authors apply for new works being funded.
- A cap is part of the law amounting to an annual amount exceeding four times the National Insurance basic amount to an individual copyright owner.<sup>129</sup>
- The funding is based on a library stock count at a rate per lending unit.<sup>130</sup> The library fee for 2023 will be determined by indexing the unit price for 2022 and multiplying it by the lending stock as of December 31, 2022.<sup>131</sup>
- Public, school, research and prison libraries are included.
- PLR in Norway is restricted to books written in Norwegian or Sami and books published in Norway. Eligible Recipients are authors only. The collecting societies use PLR funds to make grants and grant scholarships to authors.

### 143 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- Inclusion of E-Lending in the Fund Calculation.<sup>132</sup>

### 144 BEST PRACTICES IN THE COUNTRY

- Inclusion of E-Books in the Fund Calculation.<sup>133</sup>
- Costs are considered extremely low as the system works within the established associations.<sup>134</sup>

### 145 MAIN RESOURCES FOR FURTHER RESEARCH

<https://lovdata.no/dokument/NL/lov/1987-05-29-23>

### 146 LEGAL BASIS

Norway PLR Act (1987)

Original Wording <sup>135</sup>	Machine Translation by Google Translate
Lov om bibliotekvederlag, LOV-1987-05-29-23, Departement Kultur- og	Lov om bibliotekvederlag, LOV-1987-05-29-23, Ministry of Culture and Equality, LOV-

<sup>129</sup> § 4 Norway PLR Act (1987), <https://lovdata.no/dokument/NL/lov/1987-05-29-23>

<sup>130</sup> Interview Information given by Jorgen Lorentzen, author, on January 18, 2024.

<sup>131</sup> Norwegian State Budget 2022/2023,

<https://www.regjeringen.no/contentassets/607b36df92164f7a9b3ef683bdfabdee/bevilgninger-til-samiske-formal-2023.pdf>, p. 13.

<sup>132</sup> <https://www.eblida.org/News/2022/first-european-overview-elending-public-libraries.pdf>

<sup>133</sup> Interview Information given by Jorgen Lorentzen, author, on January 18, 2024.

<sup>134</sup> Interview Information given by Jorgen Lorentzen, author, on January 18, 2024.

<sup>135</sup> <https://lovdata.no/dokument/NL/lov/1987-05-29-23>

<p>likestillingsdepartementet, LOV-2018-12-20-120 fra 01.08.2019, Ikrafttredelse 29.05.1987, Rettet 27.09.2021 (faglige fotnoter fjernet) Korttittel Bibliotekvederlagsloven Jf. EØS-avtalen artikkel 4. Jf. tidligere lover 12 des 1947 nr. 12 § 12, 18 juni 1971 nr. 80 § 18 og 20 des 1985 nr. 108 § 15.</p>	<p>2018-12-20-120 from 01.08.2019, Entry into force 29.05.1987, Corrected 27.09.2021 (academic footnotes removed) Short title Bibliotekvederlagsloven Cf. Article 4 of the EEA Agreement. Cf. previous acts 12 Dec 1947 no. 12 § 12, 18 June 1971 no. 80 § 18 and 20 Dec 1985 no. 108 § 15.</p>
<p>§ 1. Vederlag for utlån mv.  Opphavere til verk som disponeres til utlån i offentlige bibliotek, skal ytes vederlag gjennom årlige bevilgninger over statsbudsjettet. Vederlaget ytes kollektivt, og utbetales til slike fond som nevnt i § 4 til støtte for visse opphavergrupper.  - Endret ved lov 20 des 2018 nr. 120 (ikr. 1 aug 2019 iflg. res. 21 juni 2019 nr. 807).</p>	<p>§ Section 1 Remuneration for lending etc.  Authors of works made available for lending in public libraries shall receive remuneration through annual appropriations from the national budget. The remuneration is paid collectively, and is paid to such funds as mentioned in Section 4 to support certain groups of authors.  - Amended by Act no. 120 of December 20, 2018 (effective from August 1, 2019 pursuant to Res. no. 807 of June 21, 2019).</p>
<p>§ 2. Beregning av vederlag  Vederlaget beregnes etter en sats for hver utlåsenhet.  For bøker er utlåsenheten ett bind. Departementet kan bestemme hva som ellers skal regnes som utlåsenhet. Ved beregning av antallet utlåsenheter legges til grunn de verk som er utgitt i Norge og som disponeres til utlån ved offentlig bibliotek. Departementet kan bestemme hvilke bibliotek, samlinger m.v. som skal regnes med ved beregningen.  Beregningene skal bygge på statistikk over antallet utlåsenheter som disponeres til utlån i de enkelte bibliotekene, og hvilke typer verk som inngår i disse.</p>	<p>§ Section 2 Calculation of remuneration  The fee is calculated according to a rate for each lending unit.  For books, the lending unit is one volume. The Ministry may decide what else shall be considered a lending unit. The calculation of the number of lending units shall be based on the works published in Norway and available for lending at public libraries. The Ministry may decide which libraries, collections, etc. shall be included in the calculation.  The calculations shall be based on statistics on the number of lending units available for lending in the individual libraries, and the types of works included in these.</p>
<p>§ 3. Fastsettelse av vederlagssats  Vederlagssatsen (jf. § 2 første ledd) fastsettes etter forhandlinger med en felles sammenslutning som er godkjent av departementet, og som består av organisasjoner som representerer en vesentlig del av norske opphavere på området.  Dersom det ikke oppnås enighet om avtale om vederlagssats, kan hver av partene</p>	<p>§ Section 3 Determination of the royalty rate  The royalty rate (cf. Section 2, first paragraph) shall be determined after negotiations with a joint association approved by the Ministry and consisting of organizations representing a significant proportion of Norwegian authors in the field.  If no agreement on the remuneration rate is reached, either party may request mediation</p>

<p>kreve megling etter nærmere regler fastsatt av departementet.</p> <p>- Endret ved lov 20 des 2018 nr. 120 (ikr. 1 aug 2019 iflg. res. 21 juni 2019 nr. 807).</p>	<p>in accordance with further rules laid down by the Ministry.</p> <p>- Amended by Act no. 120 of December 20, 2018 (effective from August 1, 2019 pursuant to Res. no. 807 of June 21, 2019).</p>
<p>§ 4. Fordeling til fond</p> <p>Vederlaget fordeles til fond som forvaltes av de aktuelle opphaverorganisasjoner. Fondenes vedtekter skal være godkjent av departementet.</p> <p>Fondenes midler kan disponeres til fordel for opphavere, eller til fordel for formål som gjelder vedkommende gruppe opphavere. Ved utbetaling til enkelte opphavere skal det ikke kunne tas hensyn til organisasjonstilhørighet. Til en enkelt opphaver skal det ikke kunne ytes et årlig beløp som overstiger fire ganger folketrygdens grunnbeløp.</p> <p>Departementet kan fastsette nærmere regler om fordeling av vederlaget og anvendelse av midlene.</p> <p>- Endret ved lover 4 des 1992 nr. 128, 20 des 2018 nr. 120 (ikr. 1 aug 2019 iflg. res. 21 juni 2019 nr. 807).</p>	<p>§ Section 4 Distribution to funds</p> <p>The remuneration shall be distributed to funds managed by the relevant collecting societies. The funds' articles of association shall be approved by the Ministry.</p> <p>The funds' assets may be allocated for the benefit of authors, or for purposes that concern the relevant group of authors. When making payments to individual authors, it shall not be possible to take into account organizational affiliation. It shall not be possible to pay an annual amount exceeding four times the National Insurance basic amount to an individual copyright owner. The Ministry may lay down more detailed rules on the distribution of the remuneration and use of the funds.</p> <p>- Amended by Acts 4 Dec 1992 no. 128, 20 Dec 2018 no. 120 (effective 1 Aug 2019 pursuant to res. 21 June 2019 no. 807).</p>
<p>§ 5. Ikrafttredelse</p> <p>Loven trer i kraft straks, men får ikke virkning for den avtale som er inngått for perioden 1986-88.</p> <p>Fra samme tidspunkt oppheves § 15 i lov 20. desember 1985 nr. 108 om folkebibliotek.</p> <p>Lov 18. juni 1971 nr. 80 om folke- og skolebiblioteker oppheves straks.</p>	<p>§ Section 5. Entry into force</p> <p>The Act shall enter into force immediately, but shall not have effect for the agreement entered into for the period 1986-88.</p> <p>From the same date, section 15 of Act no. 108 of December 20, 1985 relating to public libraries is repealed.</p> <p>Act No. 80 of June 18, 1971 relating to public and school libraries is repealed immediately.</p>

## 147 DISTRIBUTION RULES

Distribution rules are set out by the relevant CMOs individually.

## 148 COUNTRY REPORT POLAND

### 149 ADDITIONAL SYSTEM INFORMATION

- The loans based copyright based system is based on amendments to copyright legislation in 2015.
- Funds are drawn from state income derived from gambling tax, intending not to draw budget from library funds. The amount is assessed by the library acquisition budget and should be 5% thereof.<sup>136</sup>
- The system only covers books published in Polish language in public libraries, no audiobooks. Other libraries, such as school and educational libraries are governed by different Government Ministries (i.e., Ministry of Education).<sup>137</sup>
- Eligible Recipients are writers, translators and other contributors, receiving 75% of funds; publishers 25%. Publishers have to apply with detailed work information. Title information is provided for by the publishers which contributes to accurate distribution data.
- Image creators are only eligible as long as they contribute to the actual work as a co-author which excludes cover art.
- Governing CMO is SAIW Copyright Polska, appointed for this task by the Minister of the Ministry of Culture and National Heritage to divide and pay remuneration under Public Lending Right.

### 150 BEST PRACTICES IN THE COUNTRY

- As an ISBN based system, the book information is deemed to be accurate and reliable. Title information is provided for by the publishers which contributes to accurate distribution data which can easily be matched with creator information.<sup>138</sup>

### 151 MAIN RESOURCES FOR FURTHER RESEARCH

<https://www.copyrightpolska.pl/>

### 152 LEGAL BASIS

#### Copyright Act

Original Text	Translation
	Subchapter 4 The Rules for the Determination and Payment of Remuneration for the Lending of Copies of Works by Public Libraries
	Article 35a  1. The remuneration for the lending of copies of works referred to in Article 28.4 by public libraries, hereinafter referred to as “remuneration for lending”, shall be paid by a collective copyright management organisation appointed by the minister in charge of culture and national heritage from funding provided to it by the minister in

<sup>136</sup> Information given in interview by Barbara Jozwiak, Copyright Polska on Januar 19, 2024.

<sup>137</sup> Information given in interview by Barbara Jozwiak, Copyright Polska on Januar 19, 2024.

<sup>138</sup> Information given in interview by Barbara Jozwiak, Copyright Polska on Januar 19, 2024.

charge of culture and national heritage from the resources of the Culture Promotion Fund referred to in Article 87 of the Gambling Act of 19 November 2009 (Dziennik Ustaw 2018, items 165, 650, and 723).

2. The organisation for collective management, referred to in paragraph 1, is appointed by the minister responsible for culture and national heritage protection for a period of not more than five years, following a competition taking into account the following criteria:

- (1) representativeness;
- (2) organisational capacity to carry out tasks in a manner that ensures the effective payment of remuneration for lending;
- (3) efficiency and regularity of operation;
- (4) validity and amount of planned costs for the determination of the amount and payment of remuneration for lending.

3. The minister responsible for culture and national heritage protection announces the competition referred to in paragraph 2 and its result in Biuletyn Informacji Publicznej [the Public Information Bulletin] on the minister's website.

4. An organisation for collective management of copyright participating in the competition referred to in paragraph 2 may lodge to the minister responsible for culture and national heritage protection, within 7 days from the date of announcement of the result of that competition, an appeal against that result due to an infringement of a provision of law.

5. The appeal referred to in paragraph 4 shall be examined by the minister responsible for culture and national heritage protection within 14 days from the date of its receipt. In the event of the appeal being upheld, the minister responsible for culture and national heritage protection shall cancel the competition referred to in paragraph 2.

6. The co-financing for the payment of remuneration for lending, payable to the entities referred to in Article 28.5, shall be allocated for the payment of remuneration

for lending and for covering reasonable and documented costs of determining the amount of and paying remuneration for lending.

7. Co-financing for the payment of remuneration for lending in a given calendar year equals to 5% of the value of the purchases of library materials made by public libraries in the preceding calendar year, with 75% of that amount, after the deduction of costs of determining the value of and paying remuneration for lending, being paid to the entities referred to in Article 28.5 (1) to (3), and 25% being paid to the entities referred to in Article 28.5 (4).

8. Co-financing for the payment of remuneration for lending shall be provided pursuant to an agreement concluded every year between the minister responsible for culture and national heritage protection and the organisation for collective management referred to in paragraph 1.

9. The agreement referred to in paragraph 8 shall specify in particular:

- (1) the amount of funding allocated for the payment of remuneration for lending, with the costs of determining and paying its amount in a given year indicated;
- (2) time limits and method for the transfer of funding;
- (3) the obligation of the collective management organisation to undergo an inspection conducted by the minister in charge of culture and national heritage;
- (4) the manner of accounting for the funding;
- (5) conditions and manner pursuant to which any unused part of the funding or funding used contrary to its intended purpose is to be returned.

10. Co-financing for the payment of the remuneration for lending in the part allocated for covering reasonable and documented costs of determining the amount of and paying the remuneration for lending, incurred by the organisation for collective management referred to in paragraph 1, may not, in a given calendar year, exceed 10% of the amount of the co-financing determined in accordance with paragraph 7.

11. The minister responsible for culture and national heritage protection performs controls of fulfilment of the tasks related to the payment of remuneration for lending, comprising in particular the determination of the amount of the remuneration and the payment of that remuneration, the use of the co-financing provided for that purpose, and the maintenance of required documentation.

Article 352.

1. The remuneration for lending is due after the entity referred to in Article 28.5 submits a written statement of intent to receive remuneration for lending, hereinafter "statement".

2. The statement is filed with the organisation for collective management referred to in Article 351.1. The statement produces effects in a given year if it is filed by 31 August of that year. A filed statement produces effects in the next years until it is withdrawn.

3. Within 14 days of the date of signature of the agreement referred to in Article 351.8, the organisation for collective management referred to in 351.1 publishes on its website, and the minister responsible for culture and national heritage protection publishes on the minister's website in Biuletyn Informacji Publicznej [the Public Information Bulletin], information about the possibility of filing statements.

4. The amount of remuneration for lending payable in a given calendar year to particular entities referred to in Article 28.5 is determined by the organisation for collective management referred to in Article 351.1, proportionally to the number of copies of works by those entities lent by public libraries in the preceding year and based on statements filed by those entities before 31 August of a given calendar year and in the previous years.

5. The amount of remuneration for lending, payable to an entity referred to in Article 28.5 (2) in a given calendar year, equals 30% of the amount of remuneration payable



	<p>to the author of a work expressed in words created and published in the Polish language.</p> <p>6. The maximum amount of remuneration for lending payable to an entity referred to in Article 28.5, for lending, in a given calendar year, copies of all works of that entity indicated in the statement, shall equal five times the average monthly remuneration in the business enterprise sector, including profit-sharing payments, for the last quarter of the preceding calendar year, announced by the President of Główny Urząd Statystyczny [the Central Statistical Office of Poland].</p> <p>7. Remuneration for lending shall not be payable to an entity referred to in Article 28.5 in a given calendar year if, following the division of the amount referred to in Article 353.2, the amount of the remuneration for lending copies of all works of that entity by public libraries payable to that entity is lower than one two hundredth of the average monthly remuneration referred to in paragraph 6.</p> <p>Article 35.3.</p> <p>1. Remuneration for lending due to each of the entities referred to in Article 28.5 is calculated based on information on the lending of copies of works in a given calendar year provided by public libraries on the list referred to in Article 354.2 to the collective management organisation referred to in Article 351.1 and to the minister in charge of culture and national heritage, within 3 months of the end of the calendar year for which the remuneration for lending is payable.</p> <p>2. Based on the information referred to in paragraph 1, the organisation for collective management referred to in Article 351.1 shall divide proportionally the amount provided for remuneration for lending payable to particular entities referred to in Article 28.5, and subsequently, not later than by the end of a given calendar year, pays that remuneration.</p> <p>Article 35.4.</p>
--	--

	<p>The minister responsible for culture and national heritage protection, after consultation with the organisation for collective management of copyright or related rights, associations of authors, public library organisations, and appropriate chambers of commerce, shall define, by way of a regulation:</p> <ol style="list-style-type: none"><li>1. the procedure for the distribution and payment of remuneration for lending based on the number of lendings of copies of works in collections in public libraries and the types of costs referred to in Article 351.9 as well as the need to ensure that the costs are reasonable and documented and the expenses made in an effective and transparent manner;</li><li>2. the scope of the information referred to in Article 35.3.1 and the list of public libraries obliged to provide it, having regard to the need to estimate the number of lendings of copies of works in collections in public libraries, taking into account the effect of the geographic criterion, including the size of the district in which the indicated public libraries operate, on the variation of this number;</li><li>3. the required scope of information included in the statement referred to in Article 35.2.1, having regard to the need to provide the collective management organisation referred to in Article 351.1 with data enabling the payment of remuneration for lending, including the full name or pseudonym of the author or the name of another entity referred to in Article 28.5, and the number of the bank account to which the remuneration is to be paid;</li><li>4. the required scope of information to be included in the announcement of the competition referred to in Article 351.2, having regard to the fact that the minimum scope of such information is to comprise at least the conditions for participation in the competition, the time limit for bid submission, and bid assessment criteria;</li><li>5. the scope of competition documentation, having regard to the fact that the scope of such documentation must specify at least the requirements for participation in the competition referred to in Article 351.2, the requirements to be met by bids, and bid assessment criteria;</li><li>6. the competition procedure, having regard to its transparency, reliability, and objectivity.</li></ol>
--	---

<p>ROZPORZĄDZENIE MINISTRA KULTURY I DZIEDZICTWA NA RODOWE GO 1) z dnia 2 listopada 2015 r. w sprawie procedury podziału i wypłaty wynagrodzenia za użyczenie oraz wyznaczenia w drodze konkursu organizacji zbiorowego zarządzania uprawnionej do podziału i wypłaty tego wynagrodzenia</p> <p>Na podstawie art. 354 ustawy z dnia 4 lutego 1994 r. o prawie autorskim i prawach pokrewnych (Dz. U. z 2006 r. Nr 90, poz. 631, z późn. zm.2)) zarządza się, co następuje:</p> <p>§ 1. Rozporządzenie określa:</p> <p>1) procedurę podziału i wypłaty wynagrodzenia za użyczenie przez biblioteki publiczne egzemplarzy utworów wyrażonych słowem, powstałych lub opublikowanych w języku polskim w formie drukowanej, zwanego dalej „wynagrodzeniem za użyczenie”;</p> <p>2) wykaz bibliotek publicznych obowiązanych do przekazywania informacji dotyczących użyczeń egzemplarzy utworów wyrażonych słowem, powstałych lub opublikowanych w języku polskim w formie drukowanej, zwanych dalej „utworami wyrażonymi słowem”, w danym roku kalendarzowym, w celu ustalenia podstawy do obliczenia wartości wynagrodzenia za użyczenie;</p> <p>3) zakres informacji przekazywanych przez biblioteki, o których mowa w pkt 2;</p> <p>4) zakres informacji zawartych w oświadczeniu o woli otrzymywania wynagrodzenia za użyczenie;</p> <p>5) zakres informacji umieszczanych w ogłoszeniu o konkursie mającym na celu wyznaczenie organizacji zbiorowego zarządzania prawami autorskimi do podziału i wypłaty wynagrodzenia za użyczenie, zwanym dalej „konkursem”;</p>	<p>REGULATION MINISTERS CULTURE AND RESPONSIBILITIES 1) of November 2, 2015 on the procedure for the distribution and payment of the remuneration for lending and the designation, through a competition, of the collective management organization entitled to distribute and pay this remuneration.</p> <p>Pursuant to Article 354 of the Law of February 4, 1994 on Copyright and Related Rights (Journal of Laws of 2006. No. 90, item 631, as amended2)) it is ordered as follows:</p> <p>§ 1. The regulation specifies:</p> <p>1) the procedure for the division and payment of remuneration for lending copies of works expressed by public libraries in words, created or published in the Polish language in printed form, hereinafter referred to as “remunerated “for lending”;</p> <p>2) a list of public libraries obliged to provide information regarding the lending of copies created expressed in words, created or published in the Polish language in printed form, hereinafter referred to as “works expressed in words” in a given calendar year in order to establish the basis for calculating the value remuneration for lending;</p> <p>3) the scope of information provided by the libraries referred to in point 2;</p> <p>4) the scope of information included in the declaration of will to receive remuneration for lending;</p> <p>5) the scope of information included in the announcement of the competition aimed at appointing a collective organization management of copyrights for the division and payment of remuneration for lending, hereinafter referred to as the “competition”;</p> <p>6) scope of competition documentation;</p>

<p>6) zakres dokumentacji konkursowej;</p> <p>7) tryb postępowania konkursowego.</p>	<p>7) procedure of the competition procedure.</p>
<p>§ 2. Organizacja, o której mowa w art. 351 ust. 1 ustawy z dnia 4 lutego 1994 r. o prawie autorskim i prawach pokrewnych, zwanej dalej „ustawą”, w celu podziału dofinansowania przekazanego przez ministra właściwego do spraw kultury i ochrony dziedzictwa narodowego, zwanego dalej „ministrem”, oraz wypłaty wynagrodzeń za użyczenie należnych poszczególnym podmiotom, o których mowa w art. 28 ust. 5 ustawy, dokonuje kolejno następujących czynności:</p> <p>1) z kwoty dofinansowania przyznanego w danym roku kalendarzowym potrąca część przeznaczoną na pokrycie uzasadnionych i udokumentowanych kosztów określenia wysokości i wypłaty wynagrodzenia za użyczenie ustaloną w umowie, o której mowa w art. 351 ust. 8 ustawy;</p> <p>2) pozostałą kwotę dofinansowania dzieli na dwie części przypadające w 75% podmiotom, o których mowa w art. 28 ust. 5 pkt 1–3 ustawy, i w 25% podmiotom, o których mowa w art. 28 ust. 5 pkt 4 ustawy;</p> <p>(1) Minister Kultury i Dziedzictwa Narodowego kieruje działem administracji rządowej – kultura i ochrona dziedzictwa narodowego, na podstawie § 1 ust. 2 rozporządzenia Prezesa Rady Ministrów z dnia 22 września 2014 r. w sprawie szczegółowego zakresu działania Ministra Kultury i Dziedzictwa Narodowego (Dz. U. poz. 1258).</p> <p>(2) Zmiany tekstu jednolitego wymienionej ustawy zostały ogłoszone w Dz. U. z 2006 r. Nr 94, poz. 658 i Nr 121, poz. 843, z 2007 r. Nr 99, poz. 662 i Nr 181, poz. 1293, z 2009 r. Nr 157, poz. 1241, z 2010 r. Nr 152, poz. 1016 oraz z 2015 r. poz. 932, 994 i 1639. Dziennik Ustaw – 2 – Poz. 1924</p> <p>(3) część dofinansowania przypadającą podmiotom, o których mowa w art. 28 ust. 5 pkt 1–3 ustawy, dzieli między podmioty, które złożyły w danym roku kalendarzowym i latach poprzednich oświadczenia o woli otrzymywania wynagrodzenia za użyczenie, proporcjonalnie do liczby użyczeń egzemplarzy utworów wyrażonych słowem w roku poprzednim określonej</p>	<p>§ 2. The organization referred to in Art. 351 section 1 of the Act of February 4, 1994 on copyright and copyright relatives, hereinafter referred to as the “Act”, in order to divide the funding provided by the minister responsible for matters culture and protection of national heritage, hereinafter referred to as the “Minister”, and payment of remuneration for lending due to individual entities referred to in Art. 28 section 5 of the Act, performs the following actions:</p> <p>1) from the amount of funding granted in a given calendar year, deducts the part intended to cover the justified and documented costs of determining the amount and payment of the agreed remuneration for lending in the contract referred to in Art. 351 section 8 of the Act;</p> <p>2) divides the remaining amount of funding into two parts, 75% of which are allocated to the entities referred to in Art. 28 paragraph 5 points 1-3 of the Act, and 25% to the entities referred to in Art. 28 section 5 point 4 of the Act;</p> <p>(1) The Minister of Culture and National Heritage heads the government administration department - culture and protection of national heritage, pursuant to § 1 section 2 of the Regulation of the Prime Minister of September 22, 2014 on the detailed scope of activities of the Minister of Culture and National Heritage (Journal of Laws, item 1258).</p> <p>(2) Changes to the uniform text of the said Act were announced in the Journal of Laws of 2006, No. 94, item 658 and No. 121, item 843, of 2007. No. 99, item 662 and No. 181, item 1293, of 2009, No. 157, item 1241, of 2010, No. 152, item 1016 and from 2015, item 932, 994 and 1639. Journal of Laws – 2 – Pos. 1924</p> <p>(3) part of the funding attributable to the entities referred to in Art. 28 section 5 points 1–3 of the Act, divides between entities that submitted declarations of will to receive rent in a given calendar year and previous years compensation for lending, in proportion to the number of loans of copies of works expressed in words in the year after front determined on the basis of information provided by</p>

<p>na podstawie informacji przekazywanych przez biblioteki na podstawie art. 353 ust. 1 ustawy;</p> <p>(4) część dofinansowania przypadającego podmiotom, o których mowa w art. 28 ust. 5 pkt 4 ustawy, dzieli między podmioty, które złożyły w danym roku kalendarzowym i latach poprzednich oświadczenia o woli otrzymywania wynagrodzenia za użyczenie, proporcjonalnie do liczby użyczeń egzemplarzy utworów wyrażonych słowem w roku poprzednim określonej na podstawie informacji przekazywanych przez biblioteki na podstawie art. 353 ust. 1 ustawy;</p> <p>(5) kwoty, o których mowa w pkt 3, przyporządkowane poszczególnym uprawnionym i przekraczające wysokość określoną w art. 352 ust. 6 ustawy lub nieosiągające wysokości określonej w art. 352 ust. 7 ustawy, dzieli między podmioty, o których mowa w art. 28 ust. 5 pkt 1–3 ustawy, w proporcji, w jakiej przysługuje im wynagrodzenie za użyczenie w ramach podziału określonego w pkt 3;</p> <p>(6) kwoty, o których mowa w pkt 4, przyporządkowane poszczególnym uprawnionym i przekraczające wysokość określoną w art. 352 ust. 6 ustawy lub nieosiągające wysokości określonej w art. 352 ust. 7 ustawy, dzieli między podmioty, o których mowa w art. 28 ust. 5 pkt 4 ustawy, w proporcji, w jakiej przysługuje im wynagrodzenie za użyczenie w ramach podziału określonego w pkt 4;</p> <p>(7) po dokonaniu podziału zgodnie z zasadami określonymi w pkt 2–6 wypłaca wynagrodzenia za użyczenie uprawnionym na wskazany przez nich rachunek bankowy.</p>	<p>libraries pursuant to Art. 353 section 1 of the Act;</p> <p>(4) part of the funding allocated to the entities referred to in Art. 28 section 5 point 4 of the Act, divides between entities that submitted declarations of will to receive rent in a given calendar year and previous years compensation for lending, in proportion to the number of loans of copies of works expressed in words in the year after front determined on the basis of information provided by libraries pursuant to Art. 353 section 1 of the Act;</p> <p>(5) the amounts referred to in point 3, allocated to individual entitled persons and exceeding the amount specified laid down in Art. 352 section 6 of the Act or not reaching the amount specified in Art. 352 section 7 of the Act, divides between entities you referred to in Art. 28 section 5 points 1-3 of the Act, in the proportion in which they are entitled to remuneration for lending as part of the division specified in point 3;</p> <p>(6) the amounts referred to in point 4, allocated to individual entitled persons and exceeding the amount specified laid down in Art. 352 section 6 of the Act or not reaching the amount specified in Art. 352 section 7 of the Act, divides between entities you referred to in Art. 28 section 5 point 4 of the Act, in the proportion in which they are entitled to remuneration for lending as part of the division specified in point 4;</p> <p>(7) after division in accordance with the principles set out in points 2-6, pays remuneration for lending rights to the bank account indicated by them.</p>
<p>§ 3. Wykaz bibliotek publicznych obowiązanych do przekazywania informacji dotyczących użyczeń egzemplarzy utworów wyrażonych słowem stanowi załącznik do rozporządzenia.</p>	<p>§ 3. List of public libraries obliged to provide information regarding the lending of copies works expressed in words constitutes an annex to the regulation.</p>
<p>§ 4. Informacje przekazywane przez biblioteki, o których mowa w § 3, obejmują:</p> <ol style="list-style-type: none"> <li>1. liczbę wszystkich użyczeń egzemplarzy utworów wyrażonych słowem w danym roku kalendarzowym;</li> <li>2. wykaz utworów wyrażonych słowem, których egzemplarze były użyczane w danym roku kalendarzowym, wraz ze</li> </ol>	<p>§ 4. Information provided by libraries referred to in § 3 includes:</p> <ol style="list-style-type: none"> <li>1. the number of all loans of copies of works expressed in words in a given calendar year;</li> <li>2. a list of works expressed in words, copies of which were lent in a given calendar year, together with indication for each of them:</li> </ol>

<p>wskazaniem w stosunku do każdego z nich:</p> <ol style="list-style-type: none"> <li>a. numeru lub numerów ISBN,</li> <li>b. twórcy albo twórców utworu,</li> <li>c. twórców utworów plastycznych lub fotograficznych, o ile utwory takie są połączone z utworami wyrażonymi słowem w celu rozpowszechniania,</li> <li>d. tłumacza, o ile utwór wyrażony słowem jest tłumaczony na język polski z języka obcego,</li> <li>e. Wydawcy,</li> <li>f. liczby użyczeń egzemplarzy w danym roku kalendarzowym.</li> </ol>	<ol style="list-style-type: none"> <li>a. ISBN number or numbers,</li> <li>b. the creator or creators of the work,</li> <li>c. authors of artistic or photographic works, provided that such works are combined with expressive works in a word, for the purpose of dissemination,</li> <li>d. a translator, provided that the work expressed in words is translated into Polish from a foreign language,</li> <li>e. publishers,</li> <li>f. the number of copies lent in a given calendar year.</li> </ol>
<p>§ 5. 1. Podmiot, o którym mowa w art. 28 ust. 5 ustawy, składa oświadczenie o woli otrzymywania wynagrodzenia za użyczenie zawierające:</p> <ol style="list-style-type: none"> <li>1. imię i nazwisko twórcy albo twórców utworu wyrażonego słowem oraz pseudonim, jeżeli był używany w odniesieniu do danego utworu;</li> <li>2. imię i nazwisko tłumacza albo tłumaczy utworu wyrażonego słowem oraz pseudonim, jeżeli był używany w odniesieniu do danego utworu;</li> <li>3. tytuł utworu wyrażonego słowem;</li> <li>4. nazwę wydawcy utworu wyrażonego słowem;</li> <li>5. rok wydania utworu wyrażonego słowem;</li> <li>6. imię, nazwisko lub nazwę oraz adres zamieszkania lub siedziby składającego oświadczenie;</li> <li>7. w przypadku podmiotów, o których mowa w art. 28 ust. 5 pkt 1–3 ustawy, wskazanie, do której z wymienionych w art. 28 ust. 5 kategorii uprawnionych należy dany podmiot, a także, jeżeli istnieje wielu uprawnionych, wskazani wielkości udziału uprawnionego składającego oświadczenie, ustalonego w oparciu o umowę zawartą z wydawcą wraz z jej kopią;</li> <li>8. dane niezbędne do zrealizowania płatności, w tym numer rachunku bankowego;</li> <li>9. zgodę na przetwarzanie danych osobowych podmiotu, o którym mowa w art. 28 ust. 5 ustawy, na potrzeby podziału i wypłaty wynagrodzenia za użyczenie.</li> </ol> <p>2. Wydawca w oświadczeniu, o którym mowa w ust. 1, zawiera również informację o numerze ISBN utworu wyra-</p>	<p>§ 5. 1. The entity referred to in Art. 28 section 5 of the Act, submits a declaration of will to receive remuneration for lending containing:</p> <ol style="list-style-type: none"> <li>1. name and surname of the creator or creators of the work expressed in words and a nickname, if it was used in reference to a given song;</li> <li>2. name and surname of the translator or translators of the work expressed in words and a nickname, if it was used in relation to going to a given song;</li> <li>3. title of the work expressed in words;</li> <li>4. the name of the publisher of the work expressed in words;</li> <li>5. year of publication of the work expressed in words;</li> <li>6. name, surname or name and address of residence or registered office of the person submitting the declaration;</li> <li>7. in the case of entities referred to in Art. 28 section 5 points 1-3 of the Act, indication to which of the following in art. 28 section 5 categories of authorized persons include a given entity and, if there are many authorized persons, an indication the amount of the share of the authorized person submitting the declaration, determined on the basis of the agreement concluded with the publisher together with a copy thereof;</li> <li>8. data necessary to complete the payment, including the bank account number;</li> <li>9. consent to the processing of personal data of the entity referred to in Art. 28 section 5 of the Act, for the purposes of division and payment of remuneration for lending.</li> </ol> <p>2. The publisher in the declaration referred to in section 1, also contains information</p>

<p>zonego słowem.</p> <p>3. Spadkobierca uprawnionych, o których mowa w art. 28 ust. 5 pkt 1–3 ustawy, do oświadczenia dołącza dokumenty potwierdzające przejście autorskich praw majątkowych do utworu wyrażonego słowem w drodze dziedziczenia oraz wskazuje przysługujący mu udział.</p>	<p>about the ISBN number of the work expressing married in words.</p> <p>3. The heir of the entitled persons referred to in Art. 28 section 5 points 1-3 of the Act, attach documents to the declaration confirming the transfer of copyright to the work expressed in words by way of inheritance and indicates his share.</p>
<p>§ 6. Z dniem ogłoszenia konkursu minister udostępnia dokumentację konkursową w siedzibie urzędu obsługującego ministra oraz pisemnie zawiadamia o tym wszystkie organizacje zbiorowego zarządzania prawami autorskimi.</p>	<p>§ 6. On the day of announcing the competition, the minister makes the competition documentation available at the headquarters of the serving office minister and notifies all collective copyright management organizations thereof in writing.</p>
<p>§ 7. W ogłoszeniu o konkursie określa się:</p> <ol style="list-style-type: none"> <li>1. warunki uczestnictwa w konkursie;</li> <li>2. miejsce i formę złożenia oferty;</li> <li>3. termin złożenia oferty nie krótszy niż 30 dni od dnia ogłoszenia o konkursie;</li> <li>4. miejsce udostępnienia dokumentacji konkursowej;</li> <li>5. kryteria oceny oferty.</li> </ol>	<p>§ 7. The competition announcement specifies:</p> <ol style="list-style-type: none"> <li>1. conditions of participation in the competition;</li> <li>2. place and form of submitting the offer;</li> <li>3. deadline for submitting an offer no shorter than 30 days from the date of announcement of the competition;</li> <li>4. place of making the competition documentation available;</li> <li>5. offer evaluation criteria.</li> </ol>
<p>§ 8. Dokumentacja konkursowa zawiera:</p> <ol style="list-style-type: none"> <li>1) warunki uczestnictwa w konkursie, w szczególności dotyczące: <ol style="list-style-type: none"> <li>a) złożenia oferty w miejscu, formie oraz terminie określonych w ogłoszeniu o konkursie oraz zachowania zgodności oferty z wymaganiami określonymi w pkt 3,</li> <li>b) podania przez organizację składającą ofertę jej adresu właściwego do doręczeń;</li> </ol> </li> <li>2) oświadczenie członka komisji, o którym mowa w § 11 ust. 1;</li> <li>3) wymagania, jakim powinna odpowiadać oferta, w szczególności dotyczące: <ol style="list-style-type: none"> <li>a) opisu sposobu przygotowania oferty,</li> <li>b) określenia przedmiotu oferty zgodnie z ogłoszeniem o konkursie,</li> <li>c) zawartości oferty poprzez wskazanie informacji i dokumentów dołączanych do oferty;</li> </ol> </li> <li>4) listę i opis kryteriów oceny oferty;</li> </ol>	<p>§ 8. The competition documentation includes:</p> <ol style="list-style-type: none"> <li>1) conditions of participation in the competition, in particular regarding: <ol style="list-style-type: none"> <li>a) submit an offer in the place, form and time specified in the competition announcement and comply with the offer meets the requirements specified in point 3,</li> <li>b) the organization submitting the offer provides its address for delivery;</li> </ol> </li> <li>2) declaration of the committee member referred to in § 11 section 1;</li> <li>3) requirements that the offer should meet, in particular regarding: <ol style="list-style-type: none"> <li>a) description of the method of preparing the offer,</li> <li>b) specifying the subject of the offer in accordance with the competition announcement,</li> <li>c) the content of the offer by indicating information and documents attached to the offer;</li> </ol> </li> </ol>

<p>5) określenie maksymalnej liczby punktów, jaką może uzyskać oferta, w zakresie każdego z kryteriów oceny;</p> <p>6) opis sposobu oceny oferty w zakresie każdego z kryteriów oceny ofert</p>	<p>4) list and description of the offer evaluation criteria;</p> <p>5) determining the maximum number of points that the offer can obtain in terms of each evaluation criterion;</p> <p>6) description of the method of evaluating the offer in terms of each of the offer evaluation criteria</p>
<p>§ 9. Uczestnik konkursu przed upływem terminu do złożenia ofert może wycofać swoją ofertę i złożyć nową.</p>	<p>§ 9. Before the deadline for submitting offers, the competition participant may withdraw his offer and submit a new one.</p>
<p>§ 10.</p> <p>1) Do przeprowadzenia konkursu minister powołuje komisję konkursową, zwaną dalej „komisją”.</p> <p>2) Komisja składa się co najmniej z pięciu członków, w tym przewodniczącego, jego zastępcy oraz sekretarza.</p> <p>3) Członków komisji powołuje się spośród pracowników urzędu obsługującego ministra posiadających wiedzę i doświadczenie niezbędne do oceny złożonych ofert.</p> <p>4) Powołując członka komisji, minister określa pełnioną przez niego funkcję w komisji.</p>	<p>§ 10.</p> <p>1) To conduct the competition, the minister appoints a competition committee, hereinafter referred to as the “committee”.</p> <p>2) The committee consists of at least five members, including the chairman, his deputy and the secretary.</p> <p>3) Members of the committee are appointed from among knowledgeable employees of the office serving the minister and experience necessary to evaluate submitted offers.</p> <p>4) When appointing a member of the committee, the minister specifies his/her function in the committee.</p>
<p>§ 11. 1. Członek komisji składa oświadczenie w formie pisemnej, że:</p> <p>1) nie pozostaje w związku małżeńskim albo w stosunku pokrewieństwa lub powinowactwa w linii prostej, pokrewieństwa lub powinowactwa w linii bocznej do drugiego stopnia oraz nie jest związany z tytułu przysposobienia, opieki lub kurateli z członkami władz uczestnika konkursu lub z kierownikiem jednostki organizacyjnej uczestnika konkursu odpowiedzialnej za wykonywanie czynności z zakresu zbiorowego zarządzania prawami autorskimi lub prawami pokrewnymi;</p> <p>2) przed upływem jednego roku od dnia rozpoczęcia konkursu nie pozostawał w stosunku pracy, zlecenia lub umowy o dzieło z żadnym uczestnikiem konkursu;</p>	<p>§ 11. 1. A member of the committee submits a written declaration that:</p> <p>1) is not married or in a direct line of consanguinity or affinity, consanguinity or affinity in the collateral line to the second degree and is not related to adoption or guardianship or guardianship with members of the competition participant’s authorities or with the head of the competition participant’s organizational units responsible for performing activities in the field of collective management of copyrights or rights related;</p> <p>2) has not been in an employment, mandate or contract relationship before the expiry of one year from the start of the competition for the work with any participant of the competition;</p>



<p>3) przed upływem jednego roku od dnia rozpoczęcia konkursu nie był członkiem władz uczestnika konkursu;</p> <p>4) nie pozostaje z żadnym członkiem władz uczestnika konkursu lub z kierownikiem jednostki organizacyjnej uczestnika konkursu odpowiedzialnej za wykonywanie czynności z zakresu zbiorowego zarządzania prawami autorskimi lub prawami pokrewnymi w takim stosunku prawnym lub faktycznym, że może to budzić uzasadnione wątpliwości co do jego bezstronności.</p> <p>2. Członek komisji do czasu zakończenia jej prac zawiadamia niezwłocznie ministra o każdej zmianie stanu objętego oświadczeniem, o którym mowa w ust. 1</p>	<p>3) was not a member of the competition participant's governing bodies within one year from the start of the competition;</p> <p>4) does not stay with any member of the competition participant's authorities or with the head of the participant's organizational unit ka of the competition responsible for performing activities in the field of collective management of copyrights or related rights in such a legal or factual relationship that it may raise reasonable doubts as to his impartiality.</p> <p>2. Until the completion of its work, a member of the committee shall immediately notify the minister of any change in the condition covered the declaration referred to in section 1</p>
<p>§ 12. 1. Minister odwołuje członka komisji w przypadku:</p> <p>1) niezłożenia pisemnego oświadczenia, o którym mowa w § 11 ust. 1;</p> <p>2) zmiany stanu objętego oświadczeniem, o którym mowa w § 11 ust. 1, powodującej niemożność sprawowania funkcji członka komisji;</p> <p>3) długotrwałej choroby uniemożliwiającej udział w pracach komisji;</p> <p>4) niezdolności do udziału w pracach komisji z przyczyn innych niż choroba.</p> <p>2. Mandat członka komisji wygasa w przypadku:</p> <p>1) jego śmierci;</p> <p>2) ustania stosunku pracy w urzędzie obsługującym ministra.</p> <p>3. W przypadku odwołania członka komisji lub wygaśnięcia jego mandatu minister uzupełnia skład komisji w trybie określonym w § 10 ust. 3. Przepisy ust. 1 i 2 oraz § 11 stosuje się odpowiednio.</p>	<p>§ 12. 1. The minister dismisses a committee member in the event of:</p> <p>1) failure to submit the written declaration referred to in § 11 section 1;</p> <p>2) changes in the status covered by the declaration referred to in § 11 section 1, resulting in the inability to perform functions committee member;</p> <p>3) long-term illness preventing participation in the work of the committee;</p> <p>4) inability to participate in the work of the committee for reasons other than illness.</p> <p>2. The mandate of a committee member expires in the event of:</p> <p>1) his death;</p> <p>2) termination of the employment relationship in the office providing services to the minister.</p> <p>3. In the event of dismissal of a member of the commission or expiry of his mandate, the minister supplements the composition of the commission according to the procedure specified in § 10 section 3. The provisions of section 1 and 2 and § 11 shall apply accordingly.</p>
<p>§ 13.</p> <p>1. Komisja obraduje na posiedzeniach.</p> <p>2. Posiedzenia komisji odbywają się w terminach i miejscach wyznaczonych przez przewodniczącego.</p>	<p>§ 13.</p> <p>1. The Committee holds meetings.</p> <p>2. Committee meetings are held on dates and places designated by the chairman.</p>

<p>3. W posiedzeniach komisji biorą udział wyłącznie jej członkowie, przy minimalnym kworum czterech członków.</p>	<p>3. Only its members take part in the committee's meetings, with a minimum quorum of four members.</p>
<p>§ 14. 1. Pracami komisji kieruje przewodniczący, a w przypadku jego nieobecności – zastępca przewodniczącego 2. Do zadań przewodniczącego należy: (1) organizowanie prac komisji; (2) reprezentowanie komisji przed ministrem; (3) wyznaczanie zadań poszczególnym członkom komisji</p>	<p>§ 14. 1. The work of the committee is managed by the chairman, and in his absence - by the deputy chairman 2. The duties of the chairman include: (1) organizing the work of the committee; (2) representing the committee before the minister; (3) assigning tasks to individual committee members</p>
<p>§ 15. Komisja podejmuje uchwały w głosowaniu jawnym, zwykłą większością głosów, w obecności co najmniej czterech członków komisji. W przypadku równej liczby głosów o wyniku głosowania decyduje głos przewodniczącego, a w przypadku jego nieobecności – głos zastępcy przewodniczącego.</p>	<p>§ 15. The committee adopts resolutions in an open vote, with a simple majority of votes, in the presence of at least one person four committee members. In the event of an equal number of votes, the vote of the chairman determines the result of the vote, and in his absence - the vote of the deputy chairman.</p>
<p>§ 16. 1. Z posiedzenia komisji sporządza się protokół. 2. Protokół z posiedzenia komisji sporządza sekretarz komisji. 3. Protokół z posiedzenia komisji zawiera: (1) datę i miejsce posiedzenia; (2) listę uczestników posiedzenia; (3) ustalenia komisji; (4) treść podjętych uchwał. 4. Członkowie komisji obecni na posiedzeniu podpisują protokół z posiedzenia komisji oraz parafują każdą stronę protokołu. 5. Sekretarz komisji, do dnia zakończenia prac komisji, przechowuje dokumentację prac komisji, obejmującą: (1) protokoły z posiedzeń komisji; (2) uchwały komisji; (3) informacje o pracach komisji sporządzane dla ministra; (4) dokumentację konkursową; (5) oferty. 6. Do czasu zakończenia konkursu dostęp do dokumentacji z prac komisji posiadają minister, członkowie komisji oraz</p>	<p>§ 16. 1. Minutes are prepared from the committee meeting. 2. The minutes of the committee meeting are prepared by the committee secretary. 3. The minutes of the committee meeting include: (1) date and place of the meeting; (2) list of meeting participants; (3) findings of the committee; (4) content of the resolutions adopted. 4. Committee members present at the meeting sign the minutes of the committee meeting and initial each page protocol. 5. The secretary of the committee, until the date of completion of the committee's work, keeps documentation of the committee's work, including: (1) minutes of committee meetings; (2) resolutions of the committee; (3) information on the work of the committee prepared for the minister; (4) competition documentation; (5) offers. 6. Until the competition ends, the minister and committee members have access to the documentation of the committee's work and employees of the office serving it authorized by the minister.</p>

<p>upoważnieni przez ministra pracownicy obsługującego go urzędu.</p>	
<p>§ 18. 1. W przypadku złożenia oferty po upływie terminu do składania ofert przewodniczący przekazuje ofertę ministrowi bez jej otwierania. 2. Ofertę złożoną po terminie minister zwraca oferentowi bez jej otwierania.</p>	<p>§ 18. 1. If an offer is submitted after the deadline for submitting offers, the chairman shall forward the offer to the minister without opening it. 2. An offer submitted after the deadline is returned to the offeror by the minister without opening it.</p>
<p>§ 19. 1. Ocenę ofert przeprowadza się w dwóch etapach. 2. Etap pierwszy obejmuje sprawdzenie:     (1) złożenia oferty w miejscu, formie oraz terminie określonych w ogłoszeniu o konkursie;     (2) zgodności złożonej oferty z warunkami i wymaganiami określonymi w § 8 pkt 1 i 3. 3. Po zakończeniu oceny ofert w pierwszym etapie konkursu komisja podejmuje rozstrzygnięcie w drodze uchwały, w której wskazuje:     (1) oferty zakwalifikowane do drugiego etapu;     (2) oferty niezakwalifikowane do drugiego etapu konkursu, podając przyczyny ich niezakwalifikowania.</p>	<p>§ 19. 1. The evaluation of offers is carried out in two stages. 2. The first stage includes checking:     (1) submitting an offer in the place, form and time specified in the competition announcement;     (2) compliance of the submitted offer with the conditions and requirements specified in § 8 points 1 and 3. 3. After completing the evaluation of offers in the first stage of the competition, the committee makes a decision by way of a resolution, in which it indicates:     (1) offers qualified for the second stage;     (2) offers not qualified for the second stage of the competition, stating the reasons for their non-qualification.</p>
<p>§ 20. 1. Drugi etap obejmuje ocenę spełnienia kryteriów oceny ofert, o których mowa w art. 351 ust. 2 ustawy. 2. Komisja dokonuje oceny punktowej ofert. Ocena oferty stanowi sumę punktów uzyskanych w drugim etapie konkursu. 3. Po zakończeniu drugiego etapu konkursu komisja podejmuje uchwałę, w której wskazuje liczbę punktów uzyskanych przez poszczególne oferty. 4. Komisja kończy pracę z dniem przyjęcia protokołu końcowego przez ministra.</p>	<p>§ 20. 1. The second stage includes assessing the fulfillment of the offer evaluation criteria referred to in Art. 351 section 2 of the Act. 2. The committee evaluates the offers on points. The evaluation of the offer is the sum of the points obtained in the second stage of evaluation course. 3. After completing the second stage of the competition, the committee adopts a resolution indicating the number of points obtained by individual offers. 4. The committee ends its work on the day the final protocol is adopted by the minister.</p>
<p>§ 21.  1. Niezwłocznie po zakończeniu drugiego etapu konkursu komisja sporządza protokół końcowy z jego przebiegu oraz przekazuje go ministrowi wraz z ofertami oraz dokumentacją prac komisji.  2. Protokół końcowy zawiera:</p>	<p>§ 21.  1. Immediately after the end of the second stage of the competition, the commission prepares a final report on its proceedings and forwards it to the minister along with offers and documentation of the committee's work.  2. The final protocol includes:</p>

<ul style="list-style-type: none"> <li>(1) oznaczenie czasu i miejsca przeprowadzenia pierwszego i drugiego etapu oceny ofert;</li> <li>(2) imię i nazwisko każdego z członków komisji ze wskazaniem czynności, w których brali udział;</li> <li>(3) listę ofert podlegających zwrotowi;</li> <li>(4) listę ofert poddanych ocenie w pierwszym etapie konkursu;</li> <li>(5) listę ofert zakwalifikowanych do oceny w drugim etapie konkursu oraz listę ofert niezakwalifikowanych do oceny w drugim etapie konkursu z podaniem przyczyn ich niezakwalifikowania;</li> <li>(6) uzasadnienie rozstrzygnięć i ocen dokonywanych w czasie konkursu;</li> <li>(7) listę ofert wraz z liczbą punktów, jaką każda oferta uzyskała, w zakresie spełnienia poszczególnych kryteriów oceny ofert w drugim etapie konkursu, uszeregowaną według kolejności od największej do najmniejszej liczby punktów;</li> <li>(8) podpisy wszystkich członków komisji, a w przypadku braku podpisu – wzmiankę o przyczynie jego braku.</li> </ul>	<ul style="list-style-type: none"> <li>(1) indication of the time and place of conducting the first and second stage of offer evaluation;</li> <li>(2) name and surname of each committee member with an indication of the activities in which they participated;</li> <li>(3) list of offers subject to return;</li> <li>(4) a list of offers assessed in the first stage of the competition;</li> <li>(5) a list of offers qualified for evaluation in the second stage of the competition and a list of offers not qualified for evaluation in the second stage of the competition, stating the reasons for their non-qualification;</li> <li>(6) justification of the decisions and evaluations made during the competition;</li> <li>(7) a list of offers along with the number of points each offer received in terms of meeting individual evaluation criteria offers in the second stage of the competition, ranked from the highest to the lowest number of points;</li> <li>(8) signatures of all members of the committee, and in the absence of a signature – a note on the reason for its absence.</li> </ul>
<p>§ 22. Minister niezwłocznie po otrzymaniu protokołu końcowego z przebiegu konkursu ogłasza wynik konkursu i wyznacza organizację, która uzyskała najwyższą liczbę punktów.</p>	<p>§ 22. Immediately after receiving the final report from the competition, the Minister announces the results of the competition and designates the organization that obtained the highest number of points.</p>
<p>§ 23. Rozporządzenie wchodzi w życie z dniem 20 listopada 2015 r.</p>	<p>§ 23. The regulation enters into force on November 20, 2015.</p>

## 153 COUNTRY REPORT SLOVAK REPUBLIC

### 154 ADDITIONAL SYSTEM INFORMATION

- In the Slovak Republic, the PLR is managed under an extended collective license agreement for the entire Slovak Library system, as the lending right is an exclusive right that requires the consent of creators and holders of neighbouring rights. LITA, the relevant CMO acts on behalf of all authors and grants consent collectively within licensing agreements.<sup>139</sup>
- Most libraries in Slovakia (whether they are small municipal, national, school, scientific or other libraries) are part of the Library System of the Slovak Republic, headed by the Slovak National Library in Martin (SNK).
- The amount of the license fee paid by the State is a lump sum covering all loans made in libraries belonging to the Slovak Library System per calendar year. The amount of remuneration for authors therefore depends on the amount allocated by the state for this purpose and should be assessed on library loan data (work titles and the number loans). The government has not readjusted the sum in the recent years. LITA has collected a sum of € 308,424.88 in 2022 and had to spend a sum of € 77,140.78 for its services.<sup>140</sup>
- For distribution purposes, LITA uses the exact loan data from the libraries and works in close cooperation with the libraries in constantly improving the data quality. On this basis, authors of works are identified as well as authors of co-authored or collective works. Authors contribute by reporting works on the LITA online portal.
- Under a bilateral agreement with DILIA (Czech Republic), a sum of € 8,405.13 has been collected for Czech repertoire, € 2,101.28 costs were allocated. Of this sum € 6,303.85 were distributed.<sup>141</sup>

### 155 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- Negotiations with the Ministry of Culture under the last Government came to an end without result when the Government changed. Under the current Minister, it is not expected that the very low remuneration will be adapted to reflect the number of uses.

### 156 BEST PRACTICES IN THE COUNTRY

- LITA has developed a good software and database system that allows for fair distribution to the rightholders.
- Good cooperation with the National Library in improving the quality of loan data.
- Very transparent annual report of LITA.

### 157 RESOURCES FOR FURTHER RESEARCH

<https://www.lita.sk/verejne-vypozicanie>

### 158 LEGAL PROVISION IN NATIONAL LAW

Slovak Copyright Act 185/2015 of 1 July 2015

Original Wording <sup>142</sup>	Translation <sup>143</sup>
Druhý oddiel Výhradné majetkové práva	Second Subchapter Exclusive Economic Rights

<sup>139</sup> LITA Annual Report 2022, p. 16.

[https://static1.squarespace.com/static/53bacdc8e4b0e99c83a90ee4/t/653b8c4dfcda786e7d4844d1/1698401378211/LITA\\_Annual\\_report\\_2022.pdf](https://static1.squarespace.com/static/53bacdc8e4b0e99c83a90ee4/t/653b8c4dfcda786e7d4844d1/1698401378211/LITA_Annual_report_2022.pdf)

<sup>140</sup> LITA Annual Report 2022, p. 61, 62.

<sup>141</sup> LITA Annual Report 2022, p. 66.

<sup>142</sup>

<sup>143</sup> <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/sk/sk096en.pdf>

<p>§ 19</p> <p>(1) Autor má právo použiť svoje dielo a právo udeliť súhlas na použitie svojho diela.</p> <p>(2) Dielo je možné použiť iba so súhlasom autora, ak tento zákon neustanovuje inak.</p> <p>(3) Za použitie diela má autor právo na odmenu, ak tento zákon v štvrtej hlave neustanovuje inak; tým nie je dotknuté ustanovenie § 65 ods. 1 druhej vety.</p> <p>(4) Použitím diela je najmä</p> <ol style="list-style-type: none"> <li>a) spracovanie diela,</li> <li>b) spojenie diela s iným dielom,</li> <li>c) zaradenie diela do databázy podľa § 131,</li> <li>d) vyhotovenie rozmnoženiny diela,</li> <li>e) verejné rozširovanie originálu diela alebo rozmnoženiny diela       <ol style="list-style-type: none"> <li>1. prevodom vlastníckeho práva,</li> <li>2. vypožičaním,</li> <li>3. nájmom,</li> </ol> </li> <li>f) uvedenie diela na verejnosti       <ol style="list-style-type: none"> <li>1. verejným vystavením originálu diela alebo rozmnoženiny diela,</li> <li>2. verejným vykonaním diela,</li> <li>3. verejným prenosom diela.</li> </ol> </li> </ol>	<p>Section 19</p> <p>(1) Author has right to use his work and right to grant authorisation to using of his work.</p> <p>(2) Work may only be used with authorisation of the author, unless otherwise stipulated by this Act.</p> <p>(3) Author has right to remuneration for using of work, unless otherwise stipulated in Chapter Four of this Act; this does not affect of Section 65 paragraph 1, second sentence.</p> <p>(4) Using of work is especially</p> <ol style="list-style-type: none"> <li>a) alteration of work,</li> <li>b) merging of work with another work,</li> <li>c) including of work into database pursuant to Section 131,</li> <li>d) making a copy of work,</li> <li>e) public distribution of original or copy of work by means of       <ol style="list-style-type: none"> <li>1. transfer of title,</li> <li>2. lending,</li> <li>3. rental,</li> </ol> </li> <li>f) disclosure of the work to the public by means of       <ol style="list-style-type: none"> <li>1. public exhibition of original or copy of work,</li> <li>2. public performance of work,</li> <li>3. communication of work to the public .</li> </ol> </li> </ol>
<p>§ 24 Nájom a vypožičanie originálu diela alebo rozmnoženiny diela</p> <p>(1) Nájom originálu diela alebo rozmnoženiny diela je dočasné prenechanie originálu diela alebo rozmnoženiny diela, alebo dočasné umožnenie prístupu k originálu diela alebo rozmnoženiny diela uskutočnené na účely priameho alebo nepriameho majetkového prospechu.</p> <p>(2) Vypožičanie originálu diela alebo rozmnoženiny diela je dočasné prenechanie originálu diela alebo rozmnoženiny diela, alebo dočasné umožnenie prístupu k originálu diela alebo rozmnoženiny diela prostredníctvom zariadenia prístupného verejnosti uskutočnené bez získania priameho alebo nepriameho majetkového prospechu. Vypožičaním nie je dočasné prenechanie originálu diela alebo rozmnoženiny diela, alebo dočasné</p>	<p>Section 24 Rental and Lending of Original or Copy of Work</p> <p>(1) Rental of original or copy of work means temporary letting of original or copy of work or temporary making original or copy of work available for use for the purpose of direct or indirect economic benefit.</p> <p>(2) Lending of original or copy of work means temporary letting of original or copy of work or temporary making original or copy of work available for use through establishments which are accessible to the public without direct or indirect economic or commercial benefit. Lending does not mean temporary letting of original or copy of work or temporary making original or copy of work available for use without direct or</p>

<p>umožnenie prístupu k originálu diela alebo rozmnoženine diela, ktoré je uskutočnené bez získania priameho alebo nepriameho majetkového prospechu medzi dvomi alebo viacerými zariadeniami alebo výhradne v priestoroch týchto zariadení.</p> <p>(3) Ustanovenia odsekov 1 a 2 sa nevzťahujú na architektonické dielo vyjadrené stavbou a dielo úžitkového umenia vyjadrené v úžitkovej podobe.</p>	<p>indirect economic benefit between two or more establishments or solely within premises of such establishments.</p> <p>(3) Paragraphs 1 and 2 do not apply to architectural work expressed by construction and work of applied arts expressed as a utility.</p>
<p>§ 46 Použitie diela pre potreby osôb so zdravotným postihnutím</p> <p>(1) Do autorského práva nezasahuje osoba, ktorá bez súhlasu autora použije zverejnené dielo vyhotovením rozmnoženiny, verejným vykonaním, verejným prenosom, verejným rozširovaním prevodom vlastníckeho práva alebo vypožičaním, ak sa takéto použitie uskutočňuje výhradne pre potreby osôb so zdravotným postihnutím v rozsahu odôvodnenom ich zdravotným postihnutím a účel tohto použitia nie je priamo ani nepriamo obchodný.</p> <p>(2) Do autorského práva nezasahuje osoba, ktorá bez súhlasu autora a výhradne pre potreby osôb so zdravotným postihnutím v rozsahu odôvodnenom ich zdravotným postihnutím doplní do audiovizuálneho diela slovné vyjadrenie obrazovej zložky tohto diela alebo z audiovizuálneho diela odčlení jeho zvukovú zložku. Na použitie zvukovej zložky audiovizuálneho diela, na použitie audiovizuálneho diela doplneného o slovné vyjadrenie jeho obrazovej zložky alebo na použitie zvukovej zložky takto doplneného audiovizuálneho diela sa vzťahuje odsek 1.</p> <p>(3) Do autorského práva nezasahuje osoba, ktorá bez súhlasu autora vyrobí zvukový záznam slovesného diela výhradne pre potreby osôb so zdravotným postihnutím v rozsahu odôvodnenom ich zdravotným postihnutím. Na použitie takéhoto zvukového záznamu sa vzťahuje odsek 1.</p>	<p>Section 46 Using of Work for the Benefit of Persons with a Disability</p> <p>(1) Copyright is not infringed by a person who without authorisation of its author uses released work by making a copy, by public performance, communication to the public and public distribution by means of transfer of title or by lending, provided that such use is intended solely for the benefit of persons with a disability and to the extent required by the level of disability and having purpose other than direct or indirect commercial benefit.</p> <p>(2) Copyright is not infringed by a person who without authorisation of its author supplements audiovisual work with verbal description of visual element of the work intended solely for persons with a disability and to the extent required by level of disability. Using of audiovisual work supplemented in such manner is governed by paragraph 1.</p> <p>(3) Copyright is not infringed by a person who without authorisation of its author creates sound recording of literarywork intended solely for persons with a disability and in the extent required by the level of disability. Using of such sound recording is governed by paragraph 1.</p>
<p>§ 80</p>	<p>Section 80</p>

<p>Organizácia kolektívnej správy môže rozšírenou hromadnou licenčnou zmluvou poskytnúť nadobúdateľovi súhlas na</p> <ul style="list-style-type: none"> <li>a) technické predvedenie diela alebo verejný prenos diela v prevádzkarni alebo v inom priestore prostredníctvom technického zariadenia, to nezahŕňa vysielanie, retransmisiu a sprístupňovanie verejnosti,</li> <li>b) použitie obchodne nedostupného diela vyhotovením rozmnoženiny, sprístupňovaním verejnosti alebo verejným rozširovaním jeho rozmnoženiny prevodom vlastníckeho práva,</li> <li>c) živé predvedenie literárnych diel,</li> <li>d) vysielanie diel vrátane vysielania prostredníctvom satelitu,</li> <li>e) vyhotovenie rozmnoženiny literárneho diela,</li> <li>f) nájom alebo vypožičanie rozmnoženiny diela,</li> <li>g) sprístupňovanie diela verejnosti,</li> <li>h) retransmisiu diel okrem káblovej retransmisie.</li> </ul>	<p>Collective management organisation may by an extended mass licence agreement grant licensee authorisation to</p> <ul style="list-style-type: none"> <li>a) technical performance of work or communication to the public of work in business or other premises through technical device, with exception of broadcasting, retransmission and making the work available to the public,</li> <li>b) using of commercially unavailable work by making copies, making the work available to the public or public distribution of copies by transfer of title,</li> <li>c) live performance of literary works,</li> <li>d) broadcasting of works, including broadcasting through satellite,</li> <li>e) a copy of a reproduction of a literary work,</li> <li>f) rental or lending of copies of work,</li> <li>g) making copies of work available to the public,</li> <li>h) retransmission of work, with exception of cable retransmission.</li> </ul>
<p>Výhradné majetkové práva výkonného umelca § 97</p> <p>(1) Výkonný umelec má právo použiť svoj umelecký výkon a právo udeliť súhlas na použitie umeleckého výkonu.</p> <p>(2) Umelecký výkon je možné použiť iba so súhlasom výkonného umelca, ak tento zákon neustanovuje inak.</p> <p>(3) Použitím umeleckého výkonu, na ktoré udeľuje výkonný umelec súhlas podľa odseku 1, je</p> <ul style="list-style-type: none"> <li>a) verejný prenos nezaznamenaného umeleckého výkonu okrem vysielania,</li> <li>b) vyhotovenie originálu záznamu umeleckého výkonu,</li> <li>c) vyhotovenie rozmnoženiny záznamu umeleckého výkonu,</li> <li>d) verejný rozširovanie originálu záznamu umeleckého výkonu alebo jeho rozmnoženiny <ul style="list-style-type: none"> <li>1. prevodom vlastníckeho práva,</li> <li>2. nájmom alebo</li> <li>3. vypožičaním,</li> </ul> </li> <li>e) sprístupňovanie záznamu umeleckého výkonu verejnosti.</li> </ul> <p>(4) Ak nie je dohodnuté inak, pri nakladaní s právami k umeleckému výkonu</p>	<p>Exclusive Economic Rights of Performing Artist Section 97</p> <p>(1) Performing artist has right to use his artistic performance and right to grant authorisation for using of the artistic performance.</p> <p>(2) Artistic performance may be used only with authorisation from performing artist, unless otherwise prescribed by this Act.</p> <p>(3) Using of artistic performance with authorisation from performing artist pursuant to paragraph 1 means</p> <ul style="list-style-type: none"> <li>a) communication to the public of unfixed artistic performance with exception of broadcasting,</li> <li>b) making original recording of artistic performance,</li> <li>c) making copy of recording of artistic performance,</li> <li>d) public distribution of original recording of artistic performance or its copy by <ul style="list-style-type: none"> <li>1. transfer of title,</li> <li>2. rental or</li> <li>3. lending,</li> </ul> </li> <li>e) making available to the public of recording of artistic performance.</li> </ul>



<p>vytvorenému kolektívne pri vykonaní toho istého umeleckého diela alebo diela tradičnej ľudovej kultúry viacerými výkonnými umelcami, ktorými sú členovia orchestra, zboru, tanečného súboru alebo iného umeleckého telesa alebo umeleckého zoskupenia, týchto výkonných umelcov v ich mene a na ich účet zastupuje spoločný zástupca; to sa nevzťahuje na výkon práv sólistu a dirigenta.</p> <p>Spoločným zástupcom je umelecký vedúci umeleckého telesa alebo umeleckého zoskupenia, ak je takýto ustanovený. Ak väčšina členov umeleckého telesa alebo umeleckého zoskupenia určí za spoločného zástupcu inú osobu ako umeleckého vedúceho, ktorej udelí písomné splnomocnenie, spoločným zástupcom je táto osoba.</p> <p>(5) Na právo výkonného umelca udeľovať súhlas na verejné rozširovanie originálu záznamu umeleckého výkonu alebo jeho rozmnoženiny prevodom vlastníckeho práva sa primerane vzťahuje ustanovenie § 22 ods. 2.</p>	<p>(4) Unless otherwise agreed, when dealing with the rights of artistic performance created collectively in performing the same art work or work of traditional folk culture by several executive artists, which are members of the orchestra, choir, dance ensemble or other artistic body or artistic grouping, These executive artists in their behalf and their account are represented by a common representative; This does not apply to the exercise of the rights of a soloist and conductor.</p> <p>A common representative is the artistic director of the artistic ensemble or the art group if such is established. If most of the members of the artistic ensemble or the art group determine as a common representative other than the artistic manager who grants a written authorization, the common representative is that person.</p> <p>(5) The right to the executive artist grants consent to the public expansion of the original record of the artistic performance or its reproduction by the transfer of ownership right shall be adequately covered by the provision of § 22 par. 2.</p>
<p>Výhradné majetkové práva výrobcu zvukového záznamu</p> <p>§ 109</p> <p>(1) Výrobca zvukového záznamu má právo použiť svoj zvukový záznam a právo udeliť súhlas na použitie zvukového záznamu.</p> <p>(2) Zvukový záznam je možné použiť iba so súhlasom výrobcu zvukového záznamu, ak tento zákon neustanovuje inak.</p> <p>(3) Použitím zvukového záznamu, na ktoré udeľuje výrobca zvukového záznamu súhlas podľa odseku 1, je</p> <ol style="list-style-type: none"> <li>a) vyhotovenie rozmnoženiny zvukového záznamu,</li> <li>b) verejné rozširovanie originálu zvukového</li> <li>c) záznamu alebo jeho rozmnoženiny <ol style="list-style-type: none"> <li>1. prevodom vlastníckeho práva,</li> <li>2. nájmom alebo</li> <li>3. vypožičaním,</li> </ol> </li> <li>d) vysielanie zvukového záznamu,</li> </ol>	<p>Exclusive Economic Rights of Producer of Sound Recording Section 109</p> <p>(1) Producer of sound recording has right to use his sound recording and right to grant an authorisation to using of sound recording.</p> <p>(2) Sound recording may be used only with authorisation from producer of sound recording, unless otherwise prescribed by this Act.</p> <p>(3) Using of sound recording for which authorisation from producer of sound recording is granted pursuant to paragraph 1 means</p> <ol style="list-style-type: none"> <li>a) making copy of sound recording,</li> <li>b) public distribution of original sound</li> <li>c) recording or its copy by means of <ol style="list-style-type: none"> <li>1. transfer of title,</li> <li>2. rental or</li> <li>3. lending,</li> </ol> </li> <li>d) broadcasting of sound recording,</li> </ol>

<p>e) sprístupňovanie zvukového záznamu verejnosti.</p> <p>(4) Na právo výrobcu zvukového záznamu udeľovať súhlas na verejné rozširovanie originálu zvukového záznamu alebo jeho rozmnoženiny prevodom vlastníckeho práva sa primerane vzťahuje ustanovenie § 22 ods. 2.</p> <p>(5) Majetkové práva výrobcu zvukového záznamu sú prevoditeľné.</p>	<p>e) making available to the public of sound recording.</p> <p>(4) Section 22 paragraph 2 applies accordingly to right of producer of sound recording to grant authorisation for public distribution of original sound recording or its copy by transfer of title.</p> <p>(5) Economic rights of producer of sound recording are transferable.</p>
<p>Výhradné majetkové práva výrobcu audiovizuálneho záznamu</p> <p>§ 118</p> <p>(1) Výrobca audiovizuálneho záznamu má právo použiť svoj audiovizuálny záznam a právo udeľiť súhlas na použitie audiovizuálneho záznamu.</p> <p>(2) Audiovizuálny záznam je možné použiť iba so súhlasom výrobcu audiovizuálneho záznamu, ak tento zákon neustanovuje inak.</p> <p>(3) Použitím audiovizuálneho záznamu, na ktoré udeľuje výrobca audiovizuálneho záznamu súhlas podľa odseku 1, je</p> <ol style="list-style-type: none"> <li>a) vyhotovenie rozmnoženiny audiovizuálneho záznamu,</li> <li>b) verejné rozširovanie originálu audiovizuálneho záznamu alebo jeho rozmnoženiny <ol style="list-style-type: none"> <li>1. prevodom vlastníckeho práva,</li> <li>2. nájmom alebo</li> <li>3. vypožičaním,</li> </ol> </li> <li>c) technické predvedenie audiovizuálneho záznamu,</li> <li>d) vysielanie audiovizuálneho záznamu,</li> <li>e) sprístupňovanie audiovizuálneho záznamu verejnosti.</li> </ol> <p>(4) Na právo výrobcu audiovizuálneho záznamu udeľovať súhlas na verejné rozširovanie originálu audiovizuálneho záznamu alebo jeho rozmnoženiny prevodom vlastníckeho práva sa primerane vzťahuje ustanovenie § 22 ods. 2.</p> <p>(5) Majetkové práva výrobcu audiovizuálneho záznamu sú prevoditeľné.</p>	<p>Exclusive Economic Rights of Producer of Audiovisual Recording</p> <p>Section 118</p> <p>(1) Producer of audiovisual recording has right to use his audiovisual recording and to grant authorisation for using of the audiovisual recording.</p> <p>(2) Audiovisual recording may be used only with authorisation from producer of audiovisual recording, unless otherwise prescribed by this Act.</p> <p>(3) Using of audiovisual recording for which authorisation from producer of audiovisual recording is granted pursuant to paragraph 1 means</p> <ol style="list-style-type: none"> <li>a) making a copy of audiovisual recording,</li> <li>b) public distribution of original audiovisual recording or its copy by means of <ol style="list-style-type: none"> <li>1. transfer of title,</li> <li>2. rental or</li> <li>3. lending,</li> </ol> </li> <li>c) technical performance of audiovisual recording,</li> <li>d) broadcasting of audiovisual recording,</li> <li>e) making available to the public of audiovisual recording.</li> </ol> <p>(4) Right of producer of audiovisual recording to grant authorisation with public distribution of original audiovisual recording or its copy by transfer of title is governed accordingly by Section 22 paragraph.</p> <p>(5) Economic rights of producer of audiovisual recording are transferable.</p>

<p>§ 133 Výhradné majetkové práva k databáze</p> <p>(1) Autor databázy má právo použiť svoju databázu a právo udeliť súhlas na použitie databázy.</p> <p>(2) Databázu je možné použiť iba so súhlasom autora, ak tento zákon neustanovuje inak.</p> <p>(3) Použitím databázy, na ktoré udeľuje autor databázy súhlas podľa odseku 1, je</p> <ol style="list-style-type: none"> <li>a) vyhotovenie rozmnoženiny databázy,</li> <li>b) spracovanie databázy,</li> <li>c) verejné rozširovanie originálu databázy alebo rozmnoženiny databázy <ol style="list-style-type: none"> <li>1. prevodom vlastníckeho práva,</li> <li>2. nájmom alebo</li> <li>3. vypožičaním,</li> </ol> </li> <li>d) technické predvedenie databázy,</li> <li>e) verejný prenos databázy; to nezahŕňa vysielanie a retransmisiiu.</li> </ol>	<p>Section 133 Exclusive Economic Rights to Database</p> <p>(1) Author of database has right to use his database and to grant authorisation for its using.</p> <p>(2) Database may be used only with authorisation from author of database, unless otherwise prescribed by this Act.</p> <p>(3) Using of database for which authorisation from author of database is granted pursuant to paragraph 1 means</p> <ol style="list-style-type: none"> <li>a) making a copy of database,</li> <li>b) Processing of database</li> <li>c) public distribution of database or its copy by means of <ol style="list-style-type: none"> <li>1. transfer of title,</li> <li>2. rental or</li> <li>3. lending,</li> </ol> </li> <li>d) technical performance of database,</li> <li>e) Communication to the public of database with exception of broadcasting and retransmission.</li> </ol>
<p>§ 145 Odbory kolektívnej správy práv</p> <p>(1) Odbor kolektívnej správy práv zahŕňa vymedzenie predmetu ochrany, ak ide o diela, vymedzenie ich druhu, s vymedzením majetkových práv, ktoré majú byť kolektívne spravované.</p> <p>(2) Organizácia kolektívnej správy vykonáva správu výkonu majetkových práv najmä v týchto odboroch kolektívnej správy práv:</p> <ol style="list-style-type: none"> <li>a) použitie predmetu ochrany vyhotovením jeho rozmnoženiny,</li> <li>b) použitie predmetu ochrany verejným rozširovaním jeho originálu alebo jeho rozmnoženiny prevodom vlastníckeho práva,</li> <li>c) použitie predmetu ochrany verejným rozširovaním jeho originálu alebo jeho rozmnoženiny <ol style="list-style-type: none"> <li>1. nájmom,</li> <li>2. vypožičaním,</li> </ol> </li> <li>d) použitie predmetu ochrany jeho uvedením na verejnosti verejným vystavením,</li> <li>e) použitie predmetu ochrany jeho uvedením na verejnosti verejným vykonaním vo forme <ol style="list-style-type: none"> <li>1. živého predvedenia predmetu ochrany,</li> </ol> </li> </ol>	<p>Section 145 Areas of Collective Management of Rights</p> <p>(1) Areas of collective management of rights include description of subject of protection, in case of works a description of their type with specification of economic rights which are subject to collective management.</p> <p>(2) Collective management organisation performs management of economic rights primarily in the following areas of collective management of rights:</p> <ol style="list-style-type: none"> <li>a) using of subject of protection by making a copy,</li> <li>b) using of subject of protection by public distribution of its original or copy by transfer of title,</li> <li>c) using of subject of protection by public distribution of its original or copy by <ol style="list-style-type: none"> <li>1. Rental,</li> <li>2. lending,</li> </ol> </li> <li>d) using of subject of protection by public disclosure through public exhibition,</li> <li>e) using of subject of protection by public disclosure through public performance in form of <ol style="list-style-type: none"> <li>1. live performance of subject of protection,</li> <li>2. technical performance of subject of protection,</li> </ol> </li> </ol>

<p>2. technického predvedenia predmetu ochrany,</p> <p>f) použitie predmetu ochrany jeho uvedením na verejnosti</p> <ol style="list-style-type: none"> <li>1. vysielaním,</li> <li>2. retransmisiou,</li> <li>3. aním verejnosti alebo</li> <li>4. iným spôsobom verejného prenosu,</li> </ol> <p>g) výber odmeny pri ďalšom predaji originálu diela výtvarného umenia,</p> <p>h) výber primeranej odmeny za použitie predmetu ochrany,</p> <p>i) výber dodatočnej odmeny za použitie predmetu ochrany.</p>	<p>f) using of subject of protection by its public disclosure by</p> <ol style="list-style-type: none"> <li>1. broadcasting,</li> <li>2. retransmission,</li> <li>3. making available to the public or</li> <li>4. other means of communication to the public,</li> </ol> <p>g) collection of remuneration in case of further resale of original of work of fine art,</p> <p>h) collection of equitable remuneration for using of subject of protection,</p> <p>i) collection of additional remuneration for using of subject of protection.</p>
---	--

## 159 DISTRIBUTION RULES

- Distribution rules are determined by general assembly of LITA.

## 160 COUNTRY REPORT SLOVENIA

### 161 ADDITIONAL SYSTEM INFORMATION

- The Slovenian Copyright Act (2001) provides for the right to lend with the assumption of compensation. The Library Act (2001) introduces the remuneration right.
- The total sum of lately €1,074,819.00 is calculated as a percentage of at least 28 percent of the amount that the state allocates to public libraries for purchase in the fiscal year.
- In Slovenia, PLR is restricted on living authors having a permanent residence in Slovenia or create works in the Slovenian language.
- The system combines a remuneration for individual authors (monetary contributions to living authors of library materials for the loan of their works) as well as a system of working grants for the creativity sector, the total sum is shared half and half between the two parts.
- Covered are authors of original monographic publications, translated monographic publications from the types of book material, audio cassettes, CDs and video cassettes and DVDs from the types of non-book material, authors of music, lyrics, screenplays, film directors and directors of photography.

### 162 BEST PRACTICES IN THE COUNTRY

- Data collection and identification of authors are automated in a software system. Authors must submit identification forms to the Public Book Agency (JAK) on the basis of the loan information.
- Compensation for all types of creators of works on loan.
- Well-thought out combination of individual payments and grants.
- Extremely detailed and transparent regulation – see below.

### 163 RESOURCES FOR FURTHER RESEARCH

<https://www.jakrs.si/knjiznicno-nadomestilo/poziv-avtorjem>  
<https://plus.cobiss.net/kn/2024>

### 164 LEGAL PROVISION IN NATIONAL LAW

Copyright and Related Rights Act (ZASP) Art. 36

Original Wording <sup>144</sup>	Translation <sup>145</sup>
Pravica javnega posojanja	Public lending right
36. člen	Article 36
(1) Pravica javnega posojanja je pravica do ustreznega nadomestila v skladu z Zakonom o knjižničarstvu (Uradni list RS, št. 87/01 in 96/02 – ZUJIK), kadar se daje izvirnik ali primerek dela v rabo za določen čas, brez neposredne ali posredne gospodarske koristi in če poteka prek organizacije, ki izvaja to dejavnost kot javno službo.	(1) The public lending right is the right to appropriate remuneration in accordance with the Librarianship Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 87/01 and 96/02 – ZUJIK) when the original or a copy of a work is made available for use for a limited period of time, without direct or indirect economic advantage, and if done through an

<sup>144</sup> <https://www.wipo.int/wipolex/en/text/587465>

<sup>145</sup> <https://www.wipo.int/wipolex/en/text/587464>

<p>(2) Določbe prejšnjega odstavka ne veljajo za rabo:</p> <ol style="list-style-type: none"> <li>1. izvornikov ali primerkov knjižničnega gradiva v nacionalni, šolskih in visokošolskih ter specialnih knjižnicah;</li> <li>2. arhitekturnih objektov;</li> <li>3. izvornikov ali primerkov del uporabne umetnosti in industrijskega oblikovanja</li> <li>4. izvornikov ali primerkov del zaradi javne priobčitve;</li> <li>5. zaradi vpogleda del na kraju samem v organizaciji ali za posojanje med organizacijami;</li> <li>6. v okviru delovnega razmerja, če je raba namenjena izključno za izpolnjevanje obveznosti iz tega razmerja.</li> </ol> <p>(3) Javno posojanje izvornikov ali primerkov računalniških programov in baz podatkov je izključna pravica njihovega avtorja.</p>	<p>organisation performing such activity as a public service.</p> <p>(2) The provisions of the preceding paragraph shall not apply to the use of:</p> <ol style="list-style-type: none"> <li>1. originals or copies of library materials in the national library, school and academic libraries, or special libraries;</li> <li>2. architectural structures;</li> <li>3. originals or copies of works of applied art and industrial design;</li> <li>4. originals or copies of works for the purpose of public communication;</li> <li>5. works for on-the-spot reference or for lending among organisations;</li> <li>6. works by persons acting within the scope of their employment where such use is intended exclusively for the execution of their work-related duties.</li> </ol> <p>(3) Lending of originals or copies of computer programs and databases to the public shall be the exclusive right of their author.</p>
--	---

#### Implementation of PLR Regulation

Original wording <sup>146</sup>	Machine Translation by Google Translate
<p><b>PRAVILNIK</b></p> <p>o izvajanju knjižničnega nadomestila (neuradno prečiščeno besedilo št. 1)</p> <p>1. člen (vsebina pravilnika)</p> <p>Ta pravilnik podrobneje določa postopek in pogoje za pridobitev knjižničnega nadomestila. V ta namen podrobneje opredeljuje:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> namen izvajanja knjižničnega nadomestila,</li> <li><input type="checkbox"/> način določitve višine sredstev na proračunski postavki »knjižnično nadomestilo«,</li> <li><input type="checkbox"/> vrste knjižničnega gradiva, na katerega se nanaša izvajanje knjižničnega nadomestila,</li> <li><input type="checkbox"/> upravičence za prejem sredstev iz naslova knjižničnega nadomestila.</li> </ul>	<p><b>THE RULE</b></p> <p>on the implementation of library compensation (unofficial consolidated text #1)</p> <p>Article 1 (content of the policy)</p> <p>This policy specifies in more detail the procedure and conditions for obtaining a library allowance. For this purpose, it defines in more detail:</p> <ul style="list-style-type: none"> <li>– the purpose of implementing the library compensation,</li> <li>– the method of determining the amount of funds on the budget item “library compensation”,</li> <li>– types of library material to which the implementation of the library compensation refers,</li> <li>– beneficiaries for receiving funds from the title of library compensation.</li> </ul>

<sup>146</sup> <http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV12747>

<p>2. člen</p> <p>(namen)</p> <p>Knjižnično nadomestilo je oblika podpore avtorjem knjižničnega gradiva, ki je predmet javnega posojanja v splošnih knjižnicah. Namen izvajanja knjižničnega nadomestila je spodbujati ustvarjalnost posameznikov na področjih kulture, na katerih se ustvarja knjižnično gradivo in ki so v javnem interesu. Knjižnično nadomestilo se izvaja v dveh oblikah:</p> <ul style="list-style-type: none"> <li>a) denarni prispevki živečim avtorjem knjižničnega gradiva za izposajo njihovih del,</li> <li>b) delovne štipendije za ustvarjalnost.</li> </ul>	<p>Article 2</p> <p>(purpose)</p> <p>Library compensation is a form of support for authors of library material that is subject to public lending in public libraries. The purpose of implementing the library compensation is to encourage the creativity of individuals in the fields of culture in which library material is created and which are in the public interest. Library compensation is implemented in two forms:</p> <ul style="list-style-type: none"> <li>a) monetary contributions to living authors of library material for borrowing their works,</li> <li>b) work grants for creativity.</li> </ul>
<p>3. člen</p> <p>(višina sredstev)</p> <p>Obseg sredstev knjižničnega nadomestila se določi z letnim državnim proračunom. Sredstva za izvajanje knjižničnega nadomestila se v okviru letnega državnega proračuna določijo najmanj v višini 28 % od sredstev, ki jih ministrstvo, pristojno za kulturo, namenja splošnim knjižnicam za podporo usklajenemu razvoju knjižnične dejavnosti v proračunskem obdobju, na katero se nanaša izvajanje knjižničnega nadomestila. Ta sredstva se razporedijo na proračunsko postavko »knjižnično nadomestilo«.</p>	<p>Article 3</p> <p>(amount of funds)</p> <p>The amount of library compensation funds is determined by the annual state budget. Funds for the implementation of the library compensation are determined within the annual state budget in the amount of at least 28% of the funds allocated by the Ministry responsible for culture to public libraries to support the coordinated development of library activity in the budget period to which the implementation of the library compensation refers. These funds are allocated to the budget item "library compensation".</p>
<p>4. člen</p> <p>(vrste knjižničnega gradiva)</p> <p>(1) Knjižnično nadomestilo se nanaša izključno na izposajo knjižničnega gradiva v splošnih knjižnicah, ki imajo avtomatizirano izposajo v sistemu COBISS.SI in bibliografske zapise za knjižnično gradivo, povezane z vzajemno bazo podatkov COBIB.SI.</p> <p>(2) Knjižnično nadomestilo se nanaša na izposajo naslednjega knjižnega gradiva v tiskani, elektronski ali zvočni obliki:</p> <ul style="list-style-type: none"> <li>– izvirne monografske publikacije in</li> </ul>	<p>Article 4</p> <p>(types of library material)</p> <p>(1) The library fee refers exclusively to the borrowing of library materials in public libraries that have automated borrowing in the COBISS.SI system and bibliographic records for library materials linked to the mutual database COBIB.SI.</p> <p>(2) The library fee refers to the borrowing of the following book material in printed, electronic or audio format:</p> <ul style="list-style-type: none"> <li>– original monographic publications and</li> <li>– translated monographic publications.</li> </ul>

<ul style="list-style-type: none"> <li>– prevedene monografske publikacije.</li> </ul> <p>(3) Knjižnično nadomestilo se nanaša na naslednje vrste neknjižnega gradiva:</p> <ul style="list-style-type: none"> <li>– avdiokasete, CD-plošče in druge nosilce glasbe oziroma zvoka, razen zvočnih knjig,</li> <li>– videokasete, DVD-plošče, plošče Blu-ray in druge oblike nosilcev avdiovizualnih vsebin.</li> </ul> <p>(4) Serijske publikacije in druge publikacije, ki niso navedene v drugem in tretjem odstavku tega člena, niso predmet knjižničnega nadomestila.</p>	<p>(3) The library fee applies to the following types of non-book material:</p> <ul style="list-style-type: none"> <li>– audiocassettes, CDs and other carriers of music or sound, except audio books,</li> <li>– videocassettes, DVDs, Blu-ray discs and other forms of audiovisual media.</li> </ul> <p>(4) Serial publications and other publications that are not listed in the second and third paragraphs of this article are not subject to library compensation.</p>
<p>5. člen (upravičenci)</p> <p>(1) Do knjižničnega nadomestila so upravičeni živeči avtorji kot fizične osebe, ki imajo stalno prebivališče v Republiki Sloveniji ali ustvarjajo v slovenščini. Do knjižničnega nadomestila so upravičeni naslednji avtorji:</p> <p>a) za knjižno gradivo:</p> <ul style="list-style-type: none"> <li>– pisec besedila monografske publikacije,</li> <li>– prevajalec besedila monografske publikacije,</li> <li>– likovni ustvarjalec ali fotograf, če je pretežni (so)avtor monografske publikacije;</li> </ul> <p>b) za neknjižno gradivo:</p> <ul style="list-style-type: none"> <li>– avtor glasbe,</li> <li>– avtor besedila,</li> <li>– režiser avdiovizualnega dela,</li> <li>– avtor scenarija,</li> <li>– direktor fotografije.</li> </ul> <p>(2) Kot besedilo monografske publikacije iz prve alineje točke a) prejšnjega odstavka tega člena se šteje tudi notni zapis tiskanih muzikalij.</p>	<p>Article 5 (beneficiaries)</p> <p>(1) Living authors as natural persons who have a permanent residence in the Republic of Slovenia or who create in Slovenian are entitled to the library compensation. The following authors are entitled to library compensation:</p> <p>a) for book material:</p> <ul style="list-style-type: none"> <li>– writer of the text of the monographic publication,</li> <li>– translator of the text of the monographic publication,</li> <li>– an artist or photographer, if he is the main (co)author of a monographic publication;</li> </ul> <p>b) for non-book material:</p> <ul style="list-style-type: none"> <li>– music author,</li> <li>– author of the text,</li> <li>– audiovisual director,</li> <li>– author of the script,</li> <li>– Director of photography.</li> </ul> <p>(2) The sheet music of printed musicals is also considered the text of a monographic publication from the first indent of point a) of the previous paragraph of this article.</p>
<p>6. člen (deležci sredstev)</p>	<p>Article 6 (equity shares)</p>



<p>(1) Sredstva na proračunski postavki »knjižnično nadomestilo« se za posamezno vrsto knjižničnega gradiva določajo po naslednjih deležih:</p> <ul style="list-style-type: none"> <li>– avtorji izvirnih monografskih publikacij: 60-odstotni</li> <li>– prevajalci monografskih publikacij: 20-odstotni</li> <li>– ilustratorji in fotografi monografskih publikacij: 15-odstotni</li> <li>– avtorji glasbe, avtorji besedil: 2,5-odstotni</li> <li>– režiserji avdiovizualnih del, avtorji scenarijev in direktorji fotografije: 2,5-odstotni</li> </ul> <p>(2) Sredstva, ki so namenjena posamezni vrsti knjižničnega gradiva, se v enakem razmerju dodeljujejo denarnim prispevkom živečim avtorjem knjižničnega gradiva za izposajo njihovih del in delovnim štipendijam za ustvarjalnost.</p>	<p>(1) Funds on the budget item “library compensation” are determined for each type of library material according to the following proportions:</p> <ul style="list-style-type: none"> <li>– authors of original monographic publications: 60 percent</li> <li>– translators of monographic publications: 20 percent</li> <li>– illustrators and photographers of monographic publications: 15 percent</li> <li>– authors of music, authors of texts: 2.5 percent</li> <li>– directors of audiovisual works, authors of scripts and directors of photography: 2.5 percent</li> </ul> <p>(2) Funds intended for each type of library material are allocated in the same ratio to monetary contributions to living authors of library material for the loan of their works and to work grants for creativity.</p>												
<p>7. člen</p> <p>(Število izposojenih enot knjižničnega gradiva)</p> <p>(1) Število izposojenih enot za posamezno vrsto knjižničnega gradiva in kategorijo avtorstva iz prejšnjega člena je seštevek vseh izposojenih enot tega gradiva. Če je v bibliografskem zapisu posamezne enote knjižničnega gradiva v vzajemni bazi podatkov COBIB.SI evidentiranih več avtorjev iste kategorije, pripada posameznemu avtorju enak delež števila izposoj.</p> <p>(2) Posamezni avtor je upravičen do knjižničnega nadomestila, če skupno število izposoj knjižničnega gradiva, katerega avtor ali soavtor je, presega spodnji prag števila izposoj glede na naslednje kriterije:</p>	<p>Article 7</p> <p>(number of borrowed units of library material)</p> <p>(1) The number of borrowed units for each type of library material and category of authorship from the previous article is the sum of all borrowed units of this material. If several authors of the same category are recorded in the bibliographic record of an individual unit of library material in the mutual database COBIB.SI, the same share of the number of loans belongs to each author.</p> <p>(2) An individual author is entitled to library compensation if the total number of loans of library material of which he is the author or co-author exceeds the lower threshold of the number of loans according to the following criteria:</p>												
<table border="1"> <thead> <tr> <th></th> <th>Zgornji prag števila izposoj</th> <th>Spodnji prag števila izposoj</th> </tr> </thead> <tbody> <tr> <td>Avtorji izvirnih monografskih publikacij</td> <td>50.000 + 20 % nad 50.000</td> <td>800</td> </tr> </tbody> </table>		Zgornji prag števila izposoj	Spodnji prag števila izposoj	Avtorji izvirnih monografskih publikacij	50.000 + 20 % nad 50.000	800	<table border="1"> <thead> <tr> <th></th> <th>The upper threshold of the number of loans</th> <th>The lower threshold of the number of loans</th> </tr> </thead> <tbody> <tr> <td>Authors of original monographic publications</td> <td>50,000 + 20% above 50,000</td> <td>800</td> </tr> </tbody> </table>		The upper threshold of the number of loans	The lower threshold of the number of loans	Authors of original monographic publications	50,000 + 20% above 50,000	800
	Zgornji prag števila izposoj	Spodnji prag števila izposoj											
Avtorji izvirnih monografskih publikacij	50.000 + 20 % nad 50.000	800											
	The upper threshold of the number of loans	The lower threshold of the number of loans											
Authors of original monographic publications	50,000 + 20% above 50,000	800											

Prevajalci monografskih publikacij	50.000 + 20 % nad 50.000	4,000	Translators of monographic publications	50,000 + 20% above 50,000	4,000
Likovni ustvarjalec ali fotograf monografskih publikacij	25.000 + 20 % nad 25.000	1,000	Artist or photographer of monographic publications	25,000 + 20% above 25,000	1,000
Avtorji na avdiovizualnem področju	5.000 + 20 % nad 5.000	75	Authors in the audiovisual field	5,000 + 20% above 5,000	75
Avtorji na področju glasbe	5.000 + 20 % nad 5.000	100	Authors in the field of music	5,000 + 20% above 5,000	100

8. člen  
(izračun vrednosti knjižničnega nadomestila za posameznega avtorja)

(1) Denarna vrednost ene izposoje enote knjižničnega gradiva je količnik razpoložljivih sredstev za posamezno vrsto knjižničnega gradiva iz 4. člena, kategorijo avtorstva iz 6. člena in seštevka vseh izposoj avtorjev, kot jih opredeljuje 7. člen. Bruto višina sredstev, do katerih je avtor upravičen, je zmnožek priznanih izposoj in denarne vrednosti ene izposoje.

(2) Ena izposoja videokasete, DVD-plošče, plošče Blu-ray ali drugih oblik nosilcev avdiovizualnih vsebin se razdeli med vse avtorja gradiva v razmerjih 40 % režiser, 40 % scenarist in 20 % direktor fotografije. Če je v bibliografskem zapisu posamezne enote knjižničnega gradiva v vzajemni bazi podatkov COBIB.SI evidentiranih več avtorjev iste kategorije, pripada posameznemu avtorju enak delež števila izposoj znotraj kategorije. V primeru, da je isti avtor na enem delu zastopan v več kategorijah, se ti deleži med sabo seštevajo. Izračun vrednosti ene izposoje se v kategoriji avdiovizualnih vsebin izračuna tako, da se sredstva razdelijo med vse upravičene avtorje del v prej navedenih deležih.

Article 8  
(calculation of the value of the library fee for an individual author)

(1) The monetary value of one loan of a unit of library material is the quotient of the available funds for each type of library material from Article 4, the category of authorship from Article 6 and the sum of all author loans, as defined in Article 7. The gross amount of funds to which the author is entitled is the product of recognized loans and the monetary value of one loan.

(2) One rental of a videocassette, DVD disc, Blu-ray disc or other form of audiovisual content carrier is divided among all authors of the material in the proportions of 40% director, 40% screenwriter and 20% director of photography. If several authors of the same category are recorded in the bibliographic record of an individual unit of library material in the mutual database COBIB.SI, the same share of the number of loans within the category belongs to each author. If the same author is represented in several categories on one work, these shares are added together. The calculation of the value of one loan in the category of audiovisual content is calculated by dividing the funds among all entitled authors of the works in the aforementioned proportions.

<p>9. člen</p> <p>(postopek dodelitve denarnih prispevkov avtorjem iz naslova knjižničnega nadomestila)</p> <p>(1) Institut informacijskih znanosti (v nadaljnjem besedilu: IZUM) v skladu s 4. členom tega pravilnika do konca januarja tekočega leta pripravi izpise podatkov o številu izposoj knjižničnega gradiva v splošnih knjižnicah v preteklem letu za vse avtorje, ki so presegli spodnji prag števila izposoj iz drugega odstavka 7. člena tega pravilnika, in so njihova imena vključena v normativno bazo podatkov CONOR.SI.</p> <p>(2) Javna agencija za knjigo Republike Slovenije (v nadaljnjem besedilu: agencija) do 10. februarja v Uradnem listu Republike Slovenije in na svoji spletni strani objavi poziv avtorjem, da v tridesetih dneh od objave oddajo vlogo za uveljavitev pravice do denarnih prispevkov iz naslova knjižničnega nadomestila. Skupaj z objavo poziva iz prejšnjega stavka, agencija objavi seznam iz prejšnjega odstavka in pozove avtorje, da lahko v tridesetih dneh od objave preverijo objavljen izpis podatkov, konkretnije statistiko izposoj svojih del, ter da do tega roka na agencijo pošljejo morebitne pripombe na objavljeno statistiko izposoj, skupaj z dokazili. Agencija o prejetih pripombah obvesti Narodno univerzitetno knjižnico (v nadaljnjem besedilu: NUK) in IZUM. NUK najprej pregleda bibliografski zapis in jamči za ustrezno vsebinsko obravnavo knjižničnega gradiva, šele nato IZUM preveri statistiko izposoje in ponovno zažene algoritem, če to terjajo popravki v bibliografskem zapisu.</p> <p>(3) Besedilo objave poziva iz prejšnjega odstavka mora vsebovati:</p> <ol style="list-style-type: none"> <li>1. navedbo naziva poziva,</li> <li>2. poziv avtorjem, da lahko preverijo objavljen izpis podatkov iz prvega odstavka in morebitne pripombe posredujejo na agencijo,</li> </ol>	<p>Article 9</p> <p>(procedure of allocation of monetary contributions to authors from the title of library compensation)</p> <p>(1) In accordance with Article 4 of these regulations, the Institute of Information Sciences (hereinafter: IZUM) shall, by the end of January of the current year, prepare a printout of data on the number of loans of library materials in public libraries in the previous year for all authors who have exceeded the lower threshold of the number of loans from the second paragraph of Article 7 of these regulations, and their names are included in the normative database CONOR.SI.</p> <p>(2) The Public Agency for Books of the Republic of Slovenia (hereinafter: the agency) shall, by February 10, publish in the Official Gazette of the Republic of Slovenia and on its website a call to authors to submit an application within thirty days of publication for the enforcement of the right to monetary contributions from library allowance. Together with the publication of the call from the previous sentence, the agency publishes the list from the previous paragraph and asks the authors that within thirty days of the publication they can check the published data extract, more specifically the rental statistics of their works, and to send any comments to the published rental statistics to the agency by this deadline , together with supporting documents. The Agency informs the National University Library (hereinafter: NUK) and IZUM of the comments received. NUK first examines the bibliographic record and guarantees the appropriate treatment of the library material, only then does IZUM check the borrowing statistics and restart the algorithm if corrections in the bibliographic record require it.</p> <p>(3) The text of the announcement of the call from the previous paragraph must contain:</p> <ol style="list-style-type: none"> <li>1. indication of the title of the call,</li> <li>2. call to the authors to check the published extract of the data from the first paragraph and forward any comments to the agency,</li> </ol>
--	--

<p>3. pogoje za predložitev vlog, 4. rok za oddajo vlog, 5. vsebino vlog, 6. način pošiljanja vlog, 7. navedbo uslužbencev agencije, pristojnih za dajanje informacij v zvezi s pozivom.</p> <p>(4) Agencija po zaključku poziva IZUM-u pošlje seznam avtorjev, ki so oddali vloge za uveljavljanje denarnih prispevkov iz naslova knjižničnega nadomestila za preteklo leto. IZUM na podlagi tega seznama in popravljenih kataložnih zapisov pripravi dokončni seznam upravičencev in podatke o izposoji njihovih del.</p> <p>(5) Agencija na podlagi podatkov iz drugega in četrtega odstavka tega člena ter v skladu z odločbo ministrstva, pristojnega za kulturo, o financiranju agencije pripravi izračune, koliko sredstev se nameni posameznim vrstam knjižničnega gradiva ter koliko sredstev prejmejo posamezni avtorji. Na podlagi opravljenih izračunov se s posamičnimi odločbami odloči o upravičenosti in višini sredstev, ki jih prejmejo posamezni avtorji. Odločbe se izdajo najpozneje v dveh mesecih po zaključku roka oddaje vlog iz drugega odstavka tega člena. Zoper odločbo je dovoljena pritožba, o kateri odloči ministristvo, pristojno za kulturo.</p> <p>(6) Agencija izvede nakazila denarnih prispevkov iz naslova knjižničnega nadomestila upravičenim avtorjem na podlagi izdanih odločb iz prejšnjega odstavka.</p>	<p>3. conditions for submitting applications, 4. deadline for submission of applications, 5. content of applications, 6. method of sending applications, 7. indication of agency employees responsible for providing information related to the call.</p> <p>(4) After the end of the call, the Agency sends IZUM a list of authors who have submitted applications to claim monetary contributions from the library compensation for the previous year. Based on this list and corrected catalog records, IZUM prepares a definitive list of beneficiaries and data on the borrowing of their works.</p> <p>(5) Based on the data from the second and fourth paragraphs of this article and in accordance with the decision of the ministry responsible for culture on the funding of the agency, the agency prepares calculations of how much funding is allocated to individual types of library material and how much funding individual authors receive. Based on completed calculations, individual decisions decide on eligibility and the amount of funds received by individual authors. Decisions are issued no later than two months after the deadline for submission of applications from the second paragraph of this article. An appeal is allowed against the decision, which is decided by the ministry responsible for culture.</p> <p>(6) The Agency makes transfers of monetary contributions from the title of library compensation to entitled authors on the basis of the issued decisions from the previous paragraph.</p>
<p>10. člen</p> <p>(delovne štipendije za ustvarjalnost in izvedba njihove podelitve)</p> <p>(1) Delovne štipendije za ustvarjalnost iz 2. člena tega pravilnika se podeljujejo na petih različnih področjih, kjer nastaja knjižnično gradivo: leposlovje, prevodi leposlovnih in humanističnih del iz tujih jezikov v slovenščino ter prevodoslovnna dela, ilustracija in fotografija, glasba in film. Pri</p>	<p>Article 10</p> <p>(work grants for creativity and implementation of their awarding)</p> <p>(1) Work grants for creativity from Article 2 of these regulations are awarded in five different areas where library materials are created: fiction, translations of works of fiction and humanities from foreign languages into Slovenian, as well as works of translation, illustration and photography,</p>

<p>dodeljevanju delovnih štipendij se kot kriterij izbire upošteva kvalitetna izvirnost, ki se ocenjuje na podlagi doseženih publicističnih, kritičkih in strokovnih referenc.</p> <p>(2) Delovne štipendije za ustvarjalnost se podeljujejo za tekoče leto. Članstvo avtorja v stanovskem društvu ne sme biti pogoj za pridobitev delovne štipendije za ustvarjalnost.</p> <p>(3) Delovne štipendije za ustvarjalnost se podeljujejo na podlagi javnega razpisa. O dodelitvi oziroma zavrnitvi delovne štipendije za ustvarjalnost odloči direktor agencije po predhodnem mnenju pristojnih delovnih komisij.</p> <p>(4) Podrobnejši kriteriji in merila za dodelitev delovnih štipendij za ustvarjalnost se določijo v besedilu posameznega javnega razpisa, ki ga agencija pripravi v sodelovanju s pristojnimi delovnimi komisijami.</p> <p>(5) Direktor imenuje delovne komisije iz tretjega odstavka tega člena za vsak posamezen javni razpis, in sicer med uglednimi strokovnjaki, ki delujejo na področjih iz prvega odstavka tega člena, in sicer tako, da je večina članov imenovana s področja knjige. Direktor agencije sprejme sklep o imenovanju članov delovne komisije, s katerim določi predsednika in člane ter njihove naloge. Za nagrajevanje članov delovnih komisij in načina njihovega dela se smiselno uporablja pravilnik, ki ureja delo strokovnih komisij agencije.</p> <p>(6) Javni razpis za dodelitev delovnih štipendij za ustvarjalnost iz 2. člena tega pravilnika se objavi v Uradnem listu Republike Slovenije in na spletnih straneh agencije. Obvestilo o javnem razpisu se lahko objavi tudi v drugih medijih. Javni razpis mora trajati najmanj en mesec.</p>	<p>music and film. When awarding work grants, qualitative originality is taken into account as a selection criterion, which is evaluated on the basis of publicist, critical and professional references.</p> <p>(2) Work grants for creativity are awarded for the current year. The author's membership in the housing association must not be a condition for obtaining a work grant for creativity.</p> <p>(3) Work grants for creativity are awarded on the basis of a public tender. The director of the agency decides on the awarding or rejection of the work grant for creativity after the prior opinion of the competent work committees.</p> <p>(4) More detailed criteria and criteria for awarding work grants for creativity are determined in the text of the individual public tender, which the agency prepares in cooperation with the competent work commissions.</p> <p>(5) The director appoints the work commissions from the third paragraph of this article for each individual public tender, namely from among prominent experts who work in the fields from the first paragraph of this article, namely in such a way that the majority of members are appointed from the book field. The director of the agency adopts a decision on the appointment of members of the working committee, which determines the president and members and their tasks. The rules governing the work of the agency's expert committees shall be applied <i>mutatis mutandis</i> to awarding the members of the work committees and the manner of their work.</p> <p>(6) The public call for the award of work scholarships for creativity from Article 2 of these regulations is published in the Official Gazette of the Republic of Slovenia and on the agency's website. The announcement of the public tender may also be published in other media. The public tender must last at least one month.</p>
---	---

<p>(7) Stranka lahko vlogo dopolnjuje oziroma spreminja do preteka razpisnega roka.</p> <p>(8) Direktor agencije izmed zaposlenih v agenciji imenuje komisijo za odpiranje vlog, ki o svojem delu sestavi zapisnik.</p> <p>(9) Po poteku razpisnega roka komisija za odpiranje vlog hkrati odpre vse vloge, ki so do tedaj prispele.</p> <p>(10) Za vsako vlogo komisija za odpiranje vlog ugotovi, ali je pravočasna, ali jo je podala oseba, ki izpolnjuje v javnem razpisu določene pogoje (upravičena oseba), in ali je popolna glede na besedilo javnega razpisa.</p> <p>(11) Vloga, ki jo je stranka poslala po preteku razpisnega roka, je prepozna. Vlogo, ki ni pravočasna ali je ni vložila upravičena oseba, direktor agencije zavrže s sklepom.</p> <p>(12) Če je vloga formalno nepopolna, se stranka pozove, da jo dopolni. Stranka mora vlogo dopolniti v petih dneh. Če stranka vloge ne dopolni v zahtevanem roku, direktor agencije vlogo zavrže s sklepom.</p> <p>(13) Komisija za odpiranje vlog predloži ustrezne vloge pristojni delovni komisiji, ki izvede njihovo ocenjevanje in vrednotenje glede na kriterije oziroma merila, ki so bili določeni v objavi javnega razpisa. Na podlagi ocenjevanja in vrednotenja delovna komisija pripravi predlog, ki mora vključevati obrazložitev vsebinskih razlogov za predlagano podelitev ali zavrnitev delovnih štipendij za ustvarjalnost. Po podaji predloga delovne komisije direktor agencije s posamično odločbo odloči o vsaki ustrezni vlogi, prispeli na javni razpis. Direktor agencije lahko zavrne predlog delovne komisije glede financiranja posamezne delovne štipendije za ustvarjalnost ter ga z utemeljitvijo vrne delovni komisiji v ponovno</p>	<p>(7) The customer may supplement or change the application until the tender deadline has passed.</p> <p>(8) The director of the agency appoints a committee for opening applications from among the agency's employees, which draws up a record of its work.</p> <p>(9) After the tender period has expired, the committee for opening applications simultaneously opens all applications that have arrived by then.</p> <p>(10) For each application, the committee for opening applications determines whether it is timely, whether it was submitted by a person who meets the conditions specified in the public tender (eligible person), and whether it is complete according to the text of the public tender.</p> <p>(11) The application sent by the customer after the tender period has expired is recognized. An application that is not timely or not submitted by an entitled person is dismissed by the director of the agency by decision.</p> <p>(12) If the application is formally incomplete, the client is asked to complete it. The customer must complete the application within five days. If the client does not complete the application within the required period, the director of the agency rejects the application with a decision.</p> <p>(13) The committee for opening applications submits relevant applications to the competent working committee, which evaluates and evaluates them according to the criteria specified in the announcement of the public tender. Based on the assessment and evaluation, the work commission prepares a proposal, which must include an explanation of the substantive reasons for the proposed award or rejection of work grants for creativity. After submitting a proposal to the working committee, the director of the agency decides with an individual decision on each relevant application received for the public tender. The director of the agency can reject the work committee's proposal regarding</p>
--	---

<p>presojo, ne more pa sprejeti drugačne odločitve, kot je predlagana v predlogu delovne komisije. Direktor agencije lahko posamično vlogo za štipendiranje v ponovno presojo vrne samo enkrat. Zoper odločbo je možna pritožba, o kateri odloči minister, pristojen za kulturo.</p>	<p>the financing of individual work grants for creativity and return it to the work committee for reconsideration with justification, but cannot take a different decision than the one proposed in the work committee's proposal. The director of the agency can return an individual scholarship application for re-evaluation only once. An appeal is possible against the decision, which is decided by the minister responsible for culture.</p>
<p>11. člen</p> <p>(delovne štipendije za ustvarjalnost na področju prevajanja)</p> <p>(1) Na področju prevajanja se delovne štipendije za ustvarjalnost podeljujejo kot delovne in rezidenčne štipendije. Delovne štipendije se podeljujejo v kategoriji »uveljavljeni prevajalec oziroma prevodoslovec« in kategoriji »perspektivni prevajalec oziroma prevodoslovec«.</p> <p>(2) Razpoložljiva sredstva za štipendije iz prejšnjega odstavka se okvirno porazdelijo v razmerju 70 % za kategorijo »uveljavljeni prevajalec oziroma prevodoslovec«, 20 % za kategorijo »perspektivni prevajalec oziroma prevodoslovec« in 10 % za rezidenčne štipendije.</p>	<p>Article 11</p> <p>(working grants for creativity in the field of translation)</p> <p>(1) In the field of translation, working grants for creativity are awarded as working and residential grants. Work scholarships are awarded in the category "established translator or translation scholar" and in the category "perspective translator or translation scholar".</p> <p>(2) The funds available for scholarships from the previous paragraph are roughly distributed in the ratio of 70% for the category "established translator or translation scholar", 20% for the category "prospective translator or translation scholar" and 10% for resident scholarships.</p>
<p>12. člen</p> <p>(delovne štipendije za ustvarjalnost na področju glasbe)</p> <p>(1) Na področju glasbe se delovne štipendije za ustvarjalnost podeljujejo kot štipendije za umetniški razvoj in nagradne štipendije. Štipendije za umetniški razvoj se podeljujejo kot delovne, izobraževalne in potovalne, nagradne štipendije pa kot nagradna štipendija za vrhunske dosežke, nagradna štipendija za najboljšo skladbo na področju popularne glasbe in nagradna štipendija za najboljšo skladbo na področju jazz glasbe.</p> <p>(2) Razpoložljiva sredstva za štipendije iz prejšnjega odstavka se okvirno porazdelijo</p>	<p>Article 12</p> <p>(working grants for creativity in the field of music)</p> <p>(1) In the field of music, work grants for creativity are awarded as grants for artistic development and prize grants. Artistic Development Scholarships are awarded as work, educational and travel scholarships, and award scholarships are awarded as the Outstanding Achievement Award, the Best Popular Music Composition Award, and the Best Jazz Composition Award.</p> <p>(2) The funds available for scholarships from the previous paragraph are tentatively distributed in the ratio of 40% for</p>

<p>v razmerju 40 % za štipendije za umetniški razvoj in 60 % za nagradne štipendije.</p>	<p>scholarships for artistic development and 60% for prize scholarships.</p>
<p>13. člen</p> <p>(delovne štipendije za ustvarjalnost na področju leposlovja)</p> <p>(1) Na področju leposlovja se delovne štipendije za ustvarjalnost podeljujejo kot delovne, raziskovalne in izobraževalne štipendije.</p> <p>(2) Vse tri vrste štipendij iz prejšnjega odstavka se podeljujejo v kategoriji »uveljavljeni ustvarjalci« in v kategoriji »perspektivni ustvarjalci«. V kategorijo »uveljavljeni ustvarjalci« sodijo avtorji z vsaj eno samostojno izvirno monografsko publikacijo v knjižni izposoji, v kategorijo »perspektivni ustvarjalci« pa avtorji, stari do 35 let, in avtorji, ki nimajo več kot dveh izvirnih monografskih publikacij v knjižni izposoji. Razpoložljiva sredstva za štipendije iz prejšnjega odstavka se okvirno porazdelijo v razmerju 30 % za raziskovalne štipendije, 30 % za izobraževalne štipendije in 40 % za delovne štipendije.</p> <p>(3) Znotraj posamezne vrste štipendije iz prvega odstavka tega člena se razpoložljiva sredstva okvirno porazdelijo v razmerju 75 % za štipendije v kategoriji »uveljavljeni ustvarjalci« in 25 % za štipendije v kategoriji »perspektivni ustvarjalci«.</p> <p>(4) Predvidena okvirna višina posamezne raziskovalne štipendije je 25 %, posamezne izobraževalne štipendije pa 50 % višine delovne štipendije.</p> <p>(5) Avtor, ki prejme katero koli štipendijo za ustvarjalnost na področju leposlovja tri leta zaporedoma, naslednje leto ni upravičen za prijavo na javni razpis iz šestega odstavka 10. člena tega pravilnika.</p>	<p>Article 13</p> <p>(working grants for creativity in the field of fiction)</p> <p>(1) In the field of fiction, working grants for creativity are awarded as working, research and educational grants.</p> <p>(2) All three types of scholarships from the previous paragraph are awarded in the category “established creators” and in the category “perspective creators”. The “established creators” category includes authors with at least one independent original monographic publication on loan, while the “prospective creators” category includes authors under the age of 35 and authors who do not have more than two original monographic publications on loan. The funds available for scholarships from the previous paragraph are tentatively distributed in the ratio of 30% for research scholarships, 30% for educational scholarships and 40% for work scholarships.</p> <p>(3) Within each type of scholarship referred to in the first paragraph of this article, the available funds are tentatively distributed in the ratio of 75% for scholarships in the “established creators” category and 25% for scholarships in the “prospective creators” category.</p> <p>(4) The estimated amount of individual research scholarships is 25%, and individual educational scholarships are 50% of the work scholarship.</p> <p>(5) An author who receives any grant for creativity in the field of fiction for three consecutive years is not entitled to apply for the public tender referred to in the sixth paragraph of Article 10 of these regulations the following year.</p>
<p>14. člen</p> <p>(delovne štipendije za ustvarjalnost na področju ilustracij in fotografije)</p>	<p>Article 14</p> <p>(work grants for creativity in the field of illustration and photography)</p>



<p>(1) Na področju ilustracij in fotografije se delovne štipendije za ustvarjalnost podeljujejo kot štipendije za vrhunske prepoznavne ilustratorje in fotografe, študijske štipendije za ilustratorje in fotografe ter štipendije za mlade perspektivne oziroma perspektivne avtorje.</p> <p>(2) Razpoložljiva sredstva na področju ilustracij in fotografije se okvirno porazdelijo v razmerju 56 % za vrhunske prepoznavne ilustratorje in fotografe, 33 % za študijske štipendije in 11 % za mlade perspektivne avtorje oziroma perspektivne avtorje.</p> <p>(3) Minimalni pogoj za pridobitev štipendije iz prvega odstavka tega člena je pretežno (so)avtorstvo ene monografske publikacije.</p>	<p>(1) In the field of illustration and photography, work scholarships for creativity are awarded as scholarships for highly recognizable illustrators and photographers, study scholarships for illustrators and photographers, and scholarships for young promising authors.</p> <p>(2) The funds available in the field of illustration and photography are approximately distributed in the ratio of 56% for highly recognizable illustrators and photographers, 33% for study scholarships and 11% for young prospective authors or promising authors.</p> <p>(3) The minimum condition for obtaining a scholarship from the first paragraph of this article is predominantly (co)authorship of one monographic publication.</p>
<p>15. člen</p> <p>(delovne štipendije za ustvarjalnost na avdiovizualnem področju)</p> <p>Na avdiovizualnem področju se delovne štipendije za ustvarjalnost podeljujejo kot štipendije za vrhunske ustvarjalce, potovalne štipendije in štipendije za mlade. Razpoložljiva sredstva na avdiovizualnem področju se med vse tri vrste štipendij porazdelijo tako, da se za vsako od navedenih vrst štipendij nameni okvirno tretjina sredstev.</p>	<p>Article 15</p> <p>(working grants for creativity in the audiovisual field)</p> <p>In the audiovisual field, working grants for creativity are awarded as top creative grants, travel grants and youth grants. The available funds in the audiovisual field are distributed among all three types of scholarships in such a way that roughly one-third of the funds are allocated to each of the mentioned types of scholarships.</p>
<p>16. člen</p> <p>(nadzor)</p> <p>Agencija opravi vsakoletno evalvacijo izvajanja knjižničnega nadomestila, inšpekcijski nadzor pa izvaja inšpektor za knjižničarstvo.</p> <p>Pravilnik o izvajanju knjižničnega nadomestila (Uradni list RS, št. 38/16) vsebuje naslednje prehodne in končne določbe:</p> <p>»PREHODNE IN KONČNE DOLOČBE</p>	<p>Article 16</p> <p>(control)</p> <p>The Agency carries out an annual evaluation of the implementation of the library allowance, and the inspection control is carried out by the library inspector.</p> <p>The rules on the implementation of the library allowance (Official Gazette of the RS, No. 38/16) contain the following transitional and final provisions:</p> <p>“TRANSITIONAL AND FINAL PROVISIONS</p>

<p>17. člen</p> <p>(prenehanje veljavnosti)</p> <p>(1) Z dnem uveljavitve tega pravilnika se preneha uporabljati Pravilnik o izvajanju knjižničnega nadomestila (Uradni list RS, št. 42/04, 14/09 in 19/15).</p> <p>(2) Določilo 3. člena Pravilnika o izvajanju knjižničnega nadomestila (Uradni list RS, št. 42/04, 14/09 in 19/15) se uporablja do začetka uporabe 3. člena tega pravilnika.</p>	<p>Article 17</p> <p>(expiration)</p> <p>(1) The Rules on the Implementation of the Library Compensation (Official Gazette of the Republic of Slovenia, no. 42/04, 14/09 and 19/15) shall cease to apply on the date of entry into force of this rulebook.</p> <p>(2) The provision of Article 3 of the Rulebook on the Implementation of Library Fees (Official Gazette of the Republic of Slovenia, No. 42/04, 14/09 and 19/15) applies until Article 3 of this Rulebook comes into force.</p>
<p>18. člen</p> <p>(postopki izvajanja knjižničnega nadomestila)</p> <p>Postopki izvajanja knjižničnega nadomestila, začeti pred uveljavitvijo tega pravilnika, se končajo po Pravilniku o izvajanju knjižničnega nadomestila (Uradni list RS, št. 42/04, 14/09 in 19/15).</p>	<p>Article 18</p> <p>(procedures for implementation of library compensation)</p> <p>Proceedings for the implementation of the library allowance, started before the entry into force of this rulebook, are terminated according to the Rulebook on the implementation of the library allowance (Official Gazette of the Republic of Slovenia, no. 42/04, 14/09 and 19/15).</p>
<p>19. člen</p> <p>(začetek veljavnosti)</p> <p>Ta pravilnik začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije, 3. člen tega pravilnika pa se začne uporabljati 1. januarja 2018.«.</p>	<p>Article 19</p> <p>(start of force)</p> <p>This rulebook comes into force the day after it is published in the Official Gazette of the Republic of Slovenia, and Article 3 of this rulebook comes into force on January 1, 2018.”</p>

## 165 DISTRIBUTION RULES

Contained in the Regulation above:

The PLR fund designated for authors for lending is further divided into 60% for authors of original monographic publications, 20% for translators of monographic publications, 15% for illustrators and photographers of monographic publications, 2.5% for authors in the audiovisual field, and 2.5% for authors in the field of music.

## 166 COUNTRY REPORT SPAIN

### 167 ADDITIONAL SYSTEM INFORMATION

- The copyright based system is based on 1994 legislation and was revised in 2006 by the IP Act. Public lending according to the Spanish provision also includes commercially operated libraries.
- This remuneration corresponds to authors, national and foreign, whose works are lent in libraries, museums, archives, sound libraries, film libraries and similar centers in municipalities with more than 5,000 inhabitants, excluding those integrated into the Spanish educational system.
- The institutions that own libraries and other centers that lend protected works must pay this remuneration. Museums, archives, libraries, newspaper archives, sound libraries or film libraries that are publicly owned or that belong to entities of general interest of a non-profit cultural, scientific or educational nature, or to educational institutions integrated into the Spanish educational system.<sup>147</sup> In case of responsible municipalities, the remuneration will be paid by the Provincial Councils. Where they do not exist, the remuneration will be paid by the administration in place.
- Exceptions for payment are made to loans made in publicly owned establishments that provide services in municipalities with less than 5,000 inhabitants, as well as those made in the libraries of educational institutions integrated into the Spanish educational system independent of the fact whether the institution is public or private.<sup>148</sup>
- The amount of this remuneration is the result of the annual sum of an amount calculated in relation to the number of loans in each establishment in the corresponding year (0.004 euros per loan), and an amount derived from the number of effective users of the loan service. (0.05 euros per user). Works in the public domain are excluded from remuneration.<sup>149</sup> In general, the system is often criticized as providing very low and insufficient remuneration with too many payment exceptions.<sup>150</sup>
- Amount collected in 2021: 190.000€  
Collection in 2022: 210.000€  
Collection in 2023: 160.000€  
lower than in 2022 because the Ministry of Culture has paid the previous year's remuneration in January.
- Only authors – no publishers – national and foreign, whose works are lent in libraries, museums, archives, sound libraries, film libraries and similar centers are entitled to remuneration. Libraries have to provide information about the total number of specific loans by type of work, the number of active users who used the loan service and the number of total loans by ISBN, ISSN, DL or identifier of the works loaned.
- E-Lending is not covered by the PLR exception. The current regulation establishes that this remuneration is linked to the loan of a copy, therefore, the access provided by a library to a work published digitally does not generate any remuneration for this concept.<sup>151</sup>
- CEDRO has been mandated by all author societies to collect the remuneration for CEDRO (writers and translators), VEGAP (visual authors), SGAE (musical and audiovisual authors) and DAMA (audiovisual authors).<sup>152</sup>
- CEDRO has signed bilateral agreements for Spanish authors to receive the PLR remuneration and vice versa.<sup>153</sup>

---

<sup>147</sup> <https://www.cedro.org/usuarios/prestamo>

<sup>148</sup> Information given in Interview by Javier Diaz de Olarte on January 18, 2024.

<sup>149</sup> Information given in Interview by Javier Diaz de Olarte on January 18, 2024.

<sup>150</sup> Information given in Interview by Javier Diaz de Olarte on January 18, 2024.

<sup>151</sup> <https://www.cedro.org/usuarios/prestamo>

<sup>152</sup> <https://www.cedro.org/usuarios/prestamo>

<sup>153</sup> <https://www.cedro.org/usuarios/prestamo>

168 BEST PRACTICES IN THE COUNTRY

- Libraries provide identifier based specific loan and work information.

169 MAIN RESOURCES FOR FURTHER RESEARCH

<https://www.cedro.org/>

170 LEGAL BASIS

Spanish Copyright Act

Original Wording	Machine Translation by Google Translate
Artículo 37.2 de la Ley de Propiedad Intelectual <sup>154</sup>	Article 37 Intellectual Property Act
<p>Artículo 37. Reproducción, préstamo y consulta de obras mediante terminales especializados en determinados establecimientos.</p> <p>1. Los titulares de los derechos de autor no podrán oponerse a las reproducciones de las obras, cuando aquéllas se realicen sin finalidad lucrativa por los museos, bibliotecas, fonotecas, filmotecas, hemerotecas o archivos de titularidad pública o integradas en instituciones de carácter cultural o científico y la reproducción se realice exclusivamente para fines de investigación o conservación.</p> <p>2. Asimismo, los museos, archivos, bibliotecas, hemerotecas, fonotecas o filmotecas de titularidad pública o que pertenezcan a entidades de interés general de carácter cultural, científico o educativo sin ánimo de lucro, o a instituciones docentes integradas en el sistema educativo español, no precisarán autorización de los titulares de derechos por los préstamos que realicen.</p> <p>Los titulares de estos establecimientos remunerarán a los autores por los préstamos que realicen de sus obras en la cuantía que se determine mediante Real Decreto. La remuneración se hará efectiva a través de las entidades de gestión de los derechos de propiedad intelectual.</p> <p>Cuando los titulares de los establecimientos sean los Municipios, la remuneración será satisfecha por las Diputaciones Provinciales. Allí donde no existen, la</p>	<p>Article 37. Reproduction, loan and consultation of works through specialized terminals in certain establishments.</p> <p>1. Copyright holders may not oppose reproductions of works when they are made without profit by museums, libraries, sound libraries, film libraries, newspaper libraries or archives of public ownership or integrated into cultural or cultural institutions. scientific and the reproduction is carried out exclusively for research or conservation purposes.</p> <p>2. Likewise, museums, archives, libraries, newspaper archives, sound libraries or film libraries that are publicly owned or that belong to entities of general interest of a non-profit cultural, scientific or educational nature, or to educational institutions integrated into the Spanish educational system, do not They will require authorization from the rights holders for the loans they make.</p> <p>The owners of these establishments will remunerate the authors for the loans they make of their works in the amount determined by Royal Decree. The remuneration will be made effective through the intellectual property rights management entities.</p> <p>When the owners of the establishments are the Municipalities, the remuneration will be paid by the Provincial Councils. Where they do not exist, the remuneration will be paid</p>

<sup>154</sup> <https://www.boe.es/buscar/act.php?id=BOE-A-1996-8930>

<p>remuneración será satisfecha por la Administración que asume sus funciones.</p> <p>Quedan eximidos de la obligación de remuneración los establecimientos de titularidad pública que presten servicio en municipios de menos de 5.000 habitantes, así como las bibliotecas de las instituciones docentes integradas en el sistema educativo español.</p> <p>El Real Decreto por el que se establezca la cuantía contemplará asimismo los mecanismos de colaboración necesarios entre el Estado, las Comunidades Autónomas y las corporaciones locales para el cumplimiento de las obligaciones de remuneración que afecten a establecimientos de titularidad pública.</p> <p>3. No necesitará autorización del autor la comunicación de obras o su puesta a disposición de personas concretas del público a efectos de investigación cuando se realice mediante red cerrada e interna a través de terminales especializados instalados a tal efecto en los locales de los establecimientos citados en el anterior apartado y siempre que tales obras figuren en las colecciones del propio establecimiento y no sean objeto de condiciones de adquisición o de licencia. Todo ello sin perjuicio del derecho del autor a percibir una remuneración equitativa.</p>	<p>by the Administration that assumes their functions.</p> <p>Publicly owned establishments that provide services in municipalities with less than 5,000 inhabitants, as well as the libraries of educational institutions integrated into the Spanish educational system, are exempt from the remuneration obligation.</p> <p>The Royal Decree establishing the amount will also contemplate the necessary collaboration mechanisms between the State, the Autonomous Communities and local corporations to comply with remuneration obligations that affect publicly owned establishments.</p> <p>3. The communication of works or their making available to specific members of the public for research purposes will not require authorization from the author when it is carried out through a closed and internal network through specialized terminals installed for this purpose in the premises of the establishments mentioned in the previous section and provided that such works appear in the collections of the establishment itself and are not subject to acquisition or license conditions. All this without prejudice to the author's right to receive equitable remuneration.</p>
--	---

Real Decreto 625/2014<sup>155</sup>

Original Wording	Machine Translation by Google Translate
<p>BOLETÍN OFICIAL DEL ESTADO Núm. 186 Viernes 1 de agosto de 2014 Sec. I. Pág. 61523</p> <p>I. DISPOSICIONES GENERALES MINISTERIO DE EDUCACIÓN, CULTURA Y DEPORTE 8275 Real Decreto 624/2014, de 18 de julio, por el que se desarrolla el derecho de remuneración a los autores por los préstamos de sus obras realizados en determinados establecimientos accesibles al público.</p>	<p>STATE OFFICIAL NEWSLETTER No. 186 Friday, August 1, 2014 Sec. I. Page 61523</p> <p>I. GENERAL PROVISIONS MINISTRY OF EDUCATION, CULTURE AND SPORTS 8275 Royal Decree 624/2014, of July 18, which develops the right of remuneration to authors for loans of their works made in certain establishments accessible to the public.</p>

<sup>155</sup> <https://www.boe.es/boe/dias/2014/08/01/pdfs/BOE-A-2014-8275.pdf>

El artículo 1.1 de la Directiva 2006/115/CE, del Parlamento Europeo y del Consejo, de 12 de diciembre de 2006, sobre derechos de alquiler y préstamo y otros derechos afines a los derechos de autor en el ámbito de la propiedad intelectual impone a los Estados miembros de la Unión Europea la obligación de reconocer a los autores el derecho de autorizar o prohibir el préstamo de originales y copias de obras protegidas por el derecho de autor. Esta obligación se matiza en el artículo 6.1 de la citada Directiva, que permite establecer excepciones a la obligación en lo referente a los préstamos públicos, y siempre que los autores obtengan al menos una remuneración por esos préstamos, que se podrá determinar libremente por los Estados miembros teniendo en cuenta sus objetivos de promoción cultural.

La transposición de la Directiva se instrumentó a través de la disposición final primera de la Ley 10/2007, de 22 de junio, de la lectura, del libro y de las bibliotecas, cuyo apartado dos modificó el artículo 37.2 del Texto Refundido de la Ley de Propiedad Intelectual, aprobado por Real Decreto Legislativo 1/1996, de 12 de abril. En él se relacionan los establecimientos que no precisarán autorización de los titulares de derechos de autor por los préstamos que realicen, y se fijan las bases para la remuneración a los autores por dichos préstamos. Cuanto se refiere a la cuantía de la remuneración y los mecanismos de colaboración necesarios para el cumplimiento de las obligaciones de remuneración entre las distintas administraciones públicas se remite al posterior desarrollo reglamentario. Del mismo modo, la disposición final única del Texto Refundido de la Ley de Propiedad Intelectual habilita al Gobierno para el desarrollo reglamentario de esa ley. Hasta la aprobación de la norma reglamentaria por medio de este real decreto, el régimen aplicable, ha sido el previsto en la disposición transitoria vigésima del Texto Refundido de la Ley de Propiedad Intelectual, tras la modificación operada también por la disposición final primera de Ley 10/2007, de 22 de junio.

Article 1.1 of Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental and lending rights and other rights related to copyright in the field of intellectual property requires Member States of the European Union have the obligation to recognize authors' rights to authorize or prohibit the lending of originals and copies of works protected by copyright. This obligation is qualified in article 6.1 of the aforementioned Directive, which allows exceptions to the obligation to be established with regard to public loans, and provided that the authors obtain at least one remuneration for these loans, which may be freely determined by the States. members taking into account their cultural promotion objectives.

The transposition of the Directive was implemented through the first final provision of Law 10/2007, of June 22, on reading, books and libraries, section two of which modified article 37.2 of the Consolidated Text of the Law of Intellectual Property, approved by Royal Legislative Decree 1/1996, of April 12. It lists the establishments that will not require authorization from copyright holders for the loans they make, and establishes the bases for remuneration to authors for said loans. As regards the amount of remuneration and the collaboration mechanisms necessary for the fulfillment of remuneration obligations between the different public administrations, it is referred to the subsequent regulatory development. Likewise, the single final provision of the Consolidated Text of the Intellectual Property Law enables the Government to develop the regulations of that law. Until the approval of the regulatory standard through this royal decree, the applicable regime has been that provided for in the twentieth transitional provision of the Consolidated Text of the Intellectual Property Law, after the modification also carried out by the first final provision of Law 10 /2007, June 22.

The purpose of this royal decree is the regulatory development of the right of

El presente real decreto tiene por objeto el desarrollo reglamentario del derecho de remuneración a los autores por los préstamos de sus obras en determinados establecimientos abiertos al público, en cumplimiento de lo previsto en el citado artículo 37 y en la disposición transitoria vigésima del Texto Refundido de la Ley de Propiedad Intelectual, siendo su finalidad garantizar el cumplimiento efectivo de la obligación de pago, en desarrollo y ejecución de la normativa comunitaria.

La norma consta de ocho artículos, una disposición transitoria, una disposición adicional, y tres disposiciones finales. Los artículos uno y dos se dedican al objeto y ámbito de aplicación, delimitando los establecimientos accesibles al público en los que el préstamo de obras sometidas a derechos de autor dará lugar a remuneración, sean estos establecimientos de titularidad pública o bien pertenezcan a entidades sin ánimo de lucro que persigan fines de interés general de carácter cultural, científico o educativo, de acuerdo con lo dispuesto en el artículo 2 de la Ley 49/2002, de 23 de diciembre, de régimen fiscal de las entidades sin fines lucrativos y de los incentivos fiscales al mecenazgo. Asimismo, se determinan cuáles de estos establecimientos quedan excluidos de la obligación de remuneración. En este sentido, de acuerdo con el Texto Refundido de la Ley de Propiedad Intelectual y en línea con lo que viene siendo habitual en nuestro país y en los países de nuestro entorno, quedan exentas de esta obligación las bibliotecas de las instituciones docentes integradas en el sistema educativo español, cualquiera que sea su titularidad y naturaleza, debido a su contribución a garantizar la plena efectividad del derecho a la educación.

El artículo tres, por su parte, regula el hecho generador de la obligación de remuneración compensatoria, entendiendo como tal el préstamo de obras sometidas a derecho de autor, en los términos previstos en el Texto Refundido de la Ley de Propiedad Intelectual. En coherencia con lo anterior, el apartado dos del precepto excluye determinados supuestos, que no

remuneración to authors for loans of their works in certain establishments open to the public, in compliance with the provisions of the aforementioned article 37 and the twentieth transitional provision of the Consolidated Text of the Intellectual Property Law, its purpose being to guarantee effective compliance with the payment obligation, in the development and execution of community regulations.

The standard consists of eight articles, a transitional provision, an additional provision, and three final provisions. Articles one and two are dedicated to the object and scope of application, delimiting the establishments accessible to the public in which the loan of works subject to copyright will give rise to remuneration, whether these establishments are publicly owned or belong to non-profit entities of profit that pursue purposes of general interest of a cultural, scientific or educational nature, in accordance with the provisions of article 2 of Law 49/2002, of December 23, on the tax regime of non-profit entities and tax incentives to patronage.

Likewise, it is determined which of these establishments are excluded from the remuneration obligation. In this sense, in accordance with the Consolidated Text of the Intellectual Property Law and in line with what has been common in our country and in the countries around us, the libraries of the educational institutions integrated into the Spanish educational system, whatever its ownership and nature, due to its contribution to guaranteeing the full effectiveness of the right to education.

Article three, for its part, regulates the event generating the obligation of compensatory remuneration, understanding as such the loan of works subject to copyright, in the terms provided in the Revised Text of the Intellectual Property Law. Consistent with the above, section two of the provision excludes certain assumptions, which do not generate the right to remuneration for loans.

<p>generan el derecho de remuneración por préstamo.</p> <p>Los artículos cuatro y cinco se dedican, respectivamente, a los sujetos beneficiarios de la remuneración por préstamo, y a los sujetos obligados al pago de la remuneración: los titulares de los establecimientos accesibles al público, siguiendo el criterio fijado por el artículo 37.2 del Texto Refundido de la Ley de Propiedad Intelectual.</p> <p>El artículo cinco se ocupa de la forma en que ha de llevarse a cabo el pago de la remuneración. De acuerdo con ello y con el fin de facilitar a los sujetos obligados el cumplimiento de su obligación, se dispone que dicho pago se haga efectivo a través de las entidades de gestión de los derechos de autor que podrán designar un representante único para actuar en representación de todas ellas. En el caso de establecimientos de titularidad pública se dispone que dicho pago se efectúe con sujeción al procedimiento que resulte procedente de acuerdo con la legislación aplicable en cada administración pública titular de la obligación. Para el caso específico de las administraciones locales, se prevé que las asociaciones de entidades locales podrán actuar en su representación siempre que aquellas acuerden otorgarles tal representación.</p> <p>Sin perjuicio de lo anterior, el apartado 4 flexibiliza la previsión de designar un representante único al disponerse la posibilidad de que las entidades no concurren de manera exclusiva a través de dicha vía, articulándose en definitiva tres posibilidades: a) representante único; b) acuerdo entre entidades sobre el porcentaje respecto a una modalidad de obra o laudo que sustituya dicho acuerdo, y c) consignación de la remuneración a falta de acuerdo sobre alguna de las dos opciones anteriores.</p> <p>El artículo seis, de acuerdo con lo dispuesto en el último párrafo del artículo 37.2 del Texto Refundido de la Ley de Propiedad Intelectual, prevé los mecanismos de colaboración entre la Administración</p>	<p>Articles four and five are dedicated, respectively, to the beneficiaries of the loan remuneration, and to the subjects obliged to pay the remuneration: the owners of establishments accessible to the public, following the criteria established by article 37.2 of the Consolidated Text of the Intellectual Property Law.</p> <p>Article five deals with the manner in which it is to be carried out. In accordance with this and in order to facilitate the compliance of the obligated subjects with their obligation, it is provided that said payment be made effective through the copyright management entities that may designate a sole representative to act on their behalf. of all of them. In the case of publicly owned establishments, it is provided that said payment be made subject to the procedure that is appropriate in accordance with the legislation applicable in each public administration that holds the obligation. In the specific case of local administrations, it is anticipated that associations of local entities may act on their behalf as long as they agree to grant them such representation.</p> <p>Without prejudice to the foregoing, section 4 makes the provision for appointing a sole representative more flexible by providing for the possibility that entities may not attend exclusively through said means, ultimately articulating three possibilities: a) sole representative; b) agreement between entities on the percentage with respect to a type of work or award that replaces said agreement, and c) allocation of remuneration in the absence of agreement on any of the two previous options.</p> <p>Article six, in accordance with the provisions of the last paragraph of article 37.2 of the Consolidated Text of the Intellectual Property Law, provides for collaboration mechanisms between the General Administration of the State, the autonomous communities and local corporations to promote effective compliance. of</p>
--	--



<p>General del Estado, las comunidades autónomas y las corporaciones locales para promover el cumplimiento efectivo de las obligaciones de remuneración que afecten a establecimientos de titularidad pública. A este fin, dispone que el Consejo de Cooperación Bibliotecaria, en tanto que órgano colegiado de composición interadministrativa que canaliza la colaboración entre las administraciones públicas en materia de bibliotecas, asumirá la misión de reunir y difundir cuanta información le suministren sus miembros en relación con la remuneración por préstamo.</p>	<p>remuneration obligations that affect publicly owned establishments. To this end, it provides that the Library Cooperation Council, as a collegiate body of inter-administrative composition that channels collaboration between public administrations in the area of libraries, will assume the mission of gathering and disseminating any information provided by its members in relation to loan remuneration.</p>
<p>El cálculo de la cuantía de la remuneración a los autores por el préstamo de sus obras se regula en el artículo siete. Siendo el préstamo la actividad que genera el derecho a la remuneración, los dos criterios utilizados para determinar el cálculo se relacionan directamente con los elementos intervinientes en esa actividad: por un lado, los ejemplares de las obras sujetas a derechos de autor y, por otro, las personas que hacen uso efectivo del servicio de préstamo. El primero de ellos se sustancia a través del cálculo del número de obras protegidas que pone a disposición el establecimiento mediante préstamo, mientras que el segundo se concreta en la determinación del número de ciudadanos que hacen uso efectivo del servicio de préstamo en el establecimiento en cuestión.</p>	<p>The calculation of the amount of remuneration to authors for the loan of their works is regulated in article seven. Since the loan is the activity that generates the right to remuneration, the two criteria used to determine the calculation are directly related to the elements involved in that activity: on the one hand, the copies of the works subject to copyright and, on the other, the people who make effective use of the loan service. The first of them is substantiated through the calculation of the number of protected works that the establishment makes available through loan, while the second is specified in the determination of the number of citizens who make effective use of the loan service in the establishment in question. .</p>
<p>Este método de cálculo se adecua a lo establecido en el último inciso del artículo 6.1 de la Directiva 2006/115/CE, según el cual los Estados miembros podrán determinar libremente esta remuneración teniendo en cuenta sus objetivos de promoción cultural, y se ajusta a la interpretación jurisprudencial realizada por el Tribunal de Justicia de la Unión Europea en su sentencia de 30 de junio de 2011 (asunto C-271/10) en lo que se refiere particularmente a la necesidad de considerar también en dicho cálculo un segundo criterio, el del número de prestatarios inscritos en el establecimiento que realiza el préstamo. En efecto, dado que la remuneración constituye la contrapartida al perjuicio causado a los autores derivada de la utilización de sus</p>	<p>This calculation method is in accordance with the provisions of the last paragraph of article 6.1 of Directive 2006/115/EC, according to which Member States may freely determine this remuneration taking into account their cultural promotion objectives, and is in accordance with the jurisprudential interpretation made by the Court of Justice of the European Union in its ruling of June 30, 2011 (case C-271/10) with particular reference to the need to also consider in said calculation a second criterion, that of number of borrowers registered in the establishment that makes the loan. Indeed, given that the remuneration constitutes the compensation for the damage caused to the authors derived from the use of their works in establishments accessible to the public</p>

<p>obras en establecimientos accesibles al público sin necesidad de autorización y, teniendo en cuenta la citada jurisprudencia, la fijación del importe de esta remuneración debe vincularse a todos los elementos constitutivos de este perjuicio, teniendo en cuenta no solo la amplitud de la puesta a disposición, a través del número de obras que son objeto de préstamo por parte de los establecimientos, sino también el número de usuarios efectivos del servicio de préstamo.</p> <p>El articulado del real decreto se cierra con el artículo ocho, en el que se regula la distribución de la remuneración entre los autores, que se realizará a través de las entidades de gestión, y con arreglo a criterios de proporcionalidad, objetividad y publicidad.</p> <p>La parte final de la norma se compone de una disposición transitoria, una disposición adicional y tres disposiciones finales. En ellas se recoge el inicio temporal de la aplicación del método de cálculo de la cuantía de la remuneración previsto en el artículo, la previsión para la actualización de las cuantías a que se refiere el artículo 7, el título competencial en el que se ampara la norma, la habilitación para el desarrollo reglamentario y la entrada en vigor.</p> <p>En la elaboración de esta norma han sido consultadas las comunidades autónomas a través de la Conferencia Sectorial de Cultura y la administración local a través de la Federación Española de Municipios y Provincias, el Consejo de Cooperación Bibliotecaria y las entidades de gestión de los derechos de propiedad intelectual. En su virtud, a propuesta del Ministro de Educación, Cultura y Deporte, con el informe del Ministro de Hacienda y Administraciones Públicas, de acuerdo con el Consejo de Estado y previa deliberación del Consejo de Ministros en su reunión del día 18 de julio de 2014, DISPONGO:</p> <p>Artículo 1. Objeto. El objeto de este real decreto es regular el procedimiento de pago y los criterios objetivos para el cálculo de la cuantía de la remuneración por el préstamo de obras</p>	<p>without the need for authorization and, taking into account the aforementioned jurisprudence, the fixing of the amount of this remuneration must be linked to all the constituent elements of this damage, taking into account not only the extent of the provision, through the number of works that are loaned by the establishments, but also the number of effective users of the loan service.</p> <p>The articles of the royal decree close with article eight, which regulates the distribution of remuneration among the authors, which will be carried out through the management entities, and in accordance with criteria of proportionality, objectivity and publicity.</p> <p>The final part of the standard is made up of a transitional provision, an additional provision and three final provisions. They include the temporary start of the application of the method of calculating the amount of remuneration provided for in the article, the provision for updating the amounts referred to in article 7, the jurisdictional title in which the standard, authorization for regulatory development and entry into force.</p> <p>In the preparation of this standard, the autonomous communities have been consulted through the Sectoral Culture Conference and the local administration through the Spanish Federation of Municipalities and Provinces, the Library Cooperation Council and the property rights management entities. intellectual.</p> <p>In its virtue, at the proposal of the Minister of Education, Culture and Sports, with the report of the Minister of Finance and Public Administrations, in agreement with the Council of State and after deliberation of the Council of Ministers at its meeting on July 18, 2014 , I HAVE:</p> <p>Article 1. Object. The purpose of this royal decree is to regulate the payment procedure and the objective criteria for calculating the amount of remuneration for the loan of works protected by copyright that are carried out in</p>
--	--

<p>protegidas por derechos de autor que se realicen en los establecimientos accesibles al público a los que se refiere el artículo 2.</p> <p>Artículo 2. Ámbito de aplicación.</p> <p>1. A los efectos de este real decreto, la obligación de remuneración se aplica, a los préstamos de obras protegidas por derechos de autor realizados en museos, archivos, bibliotecas, hemerotecas, fonotecas o filmotecas de titularidad pública o que pertenezcan a entidades de interés general de carácter cultural, científico o educativo sin ánimo de lucro, o a instituciones docentes integradas en el sistema educativo español.</p> <p>2. No obstante lo dispuesto en el apartado 1, quedan eximidos de la obligación de remuneración:</p> <p>a) Los establecimientos de titularidad pública que presten servicio en municipios de menos de 5.000 habitantes, incluyendo los servicios móviles cuando realicen el préstamo en dichos municipios.</p> <p>b) Las bibliotecas de las instituciones docentes integradas en el sistema educativo español.</p> <p>Artículo 3. Hecho generador.</p> <p>1. El derecho de los autores a percibir una remuneración se genera por el préstamo de sus obras no incluidas en el dominio público, tal y como se define en el artículo 19.4 del Texto Refundido de la Ley de Propiedad Intelectual, aprobado por Real Decreto Legislativo 1/1996, de 12 de abril, realizado a través de los establecimientos enumerados en el artículo 2, y ya se trate de originales o de copias de obras sometidas a derechos de autor.</p> <p>2. No generan el derecho de remuneración por préstamo:</p> <p>a) La consulta in situ de cualquier tipo de obra en los locales de los establecimientos citados en el artículo 2.</p> <p>b) Los préstamos de obras que se efectúen entre los establecimientos a los que se refiere el artículo 2.</p>	<p>the establishments accessible to the public to which the article 2.</p> <p>Article 2. Scope of application.</p> <p>1. For the purposes of this royal decree, the obligation of remuneration applies to loans of works protected by copyright made in museums, archives, libraries, newspaper archives, sound libraries or film libraries of public ownership or that belong to entities of interest. general cultural, scientific or educational non-profit nature, or to educational institutions integrated into the Spanish educational system.</p> <p>2. Notwithstanding the provisions of section 1, the following are exempt from the obligation to remunerate:</p> <p>a) Publicly owned establishments that provide services in municipalities with less than 5,000 inhabitants, including mobile services when they make the loan in said municipalities.</p> <p>b) The libraries of the educational institutions integrated into the Spanish educational system.</p> <p>Article 3. Generating event.</p> <p>1. The right of authors to receive remuneration is generated by the loan of their works not included in the public domain, as defined in article 19.4 of the Consolidated Text of the Intellectual Property Law, approved by Royal Legislative Decree 1/1996, of April 12, carried out through the establishments listed in article 2, and whether they are originals or copies of works subject to copyright.</p> <p>2. They do not generate the right to remuneration for loans:</p> <p>a) On-site consultation of any type of work on the premises of the establishments mentioned in article 2.</p> <p>b) Loans of works made between the establishments to which they are</p>
--	--

<p>c) El préstamo en beneficio de personas con discapacidad, en los términos previstos en el artículo 31 bis 2 del Texto Refundido de la Ley de Propiedad Intelectual.</p> <p>Artículo 4. Sujetos beneficiarios.</p> <p>Son beneficiarios de esta remuneración los autores en los términos previstos en el Texto Refundido de la Ley de Propiedad Intelectual.</p> <p>Artículo 5. Sujetos obligados al pago de la remuneración y procedimiento de pago.</p> <p>1. Los titulares de los establecimientos enumerados en el artículo 2 quedan obligados al pago de una cuantía global en concepto de remuneración por préstamo.</p> <p>2. Los sujetos obligados efectuarán el pago de la remuneración a través de las entidades de gestión de los derechos de autor. Estas entidades, en su relación con los sujetos obligados, podrán designar un representante único que actuará en representación de todas ellas, previa acreditación de su condición como tal.</p> <p>3. En caso de que las entidades de gestión no actuaran mediante representante único, deberán establecer y aportar a los sujetos obligados al pago un acuerdo sobre los porcentajes o sistema de reparto acordados por todas las entidades de gestión concurrentes en la gestión de derechos de un mismo tipo de obra. Si no alcanzaran dicho acuerdo, la determinación de los porcentajes o sistema de reparto por cada tipo de obra podrá fijarse o establecerse mediante laudo de la Sección Primera de la Comisión de Propiedad Intelectual o de otro órgano arbitral, previa suscripción del convenio arbitral por todas las entidades afectadas. Dicho laudo establecerá los porcentajes, o sistema de reparto de la cantidad de la compensación asignada a cada tipo de obra, permitiendo reconocer las obligaciones y el pago a las entidades de gestión de conformidad con sus términos. Si las entidades concurrentes no</p>	<p>refers to article 2.</p> <p>c) The loan for the benefit of people with disabilities, in the terms provided in article 31 bis 2 of the Consolidated Text of the Intellectual Property Law.</p> <p>Article 4. Beneficiary subjects.</p> <p>The authors are beneficiaries of this remuneration in the terms provided for in the Consolidated Text of the Intellectual Property Law.</p> <p>Article 5. Subjects obliged to pay remuneration and payment procedure.</p> <p>1. The owners of the establishments listed in article 2 are obliged to pay a global amount as remuneration for the loan.</p> <p>2. The obligated subjects will make the payment of the remuneration through the copyright management entities. These entities, in their relationship with the obligated subjects may designate a sole representative who will act on behalf of all of them, upon accreditation of his status as such.</p> <p>3. In the event that the management entities do not act through a sole representative, they must establish and provide to the subjects obliged to pay an agreement on the percentages or distribution system agreed upon by all the management entities concurrent in the management of the rights of a same type of work. If they did not reach said agreement, the determination of the percentages or distribution system for each type of work may be fixed or established by means of a ruling from the First Section of the Intellectual Property Commission or another arbitration body, prior to the signing of the arbitration agreement by all affected entities. Said award will establish the percentages, or system of distribution of the amount of compensation assigned to each type of work, allowing the obligations and payment to the management entities to be</p>
--	---

alcanzaran dicho acuerdo, las cantidades debidas podrán ser consignadas por los sujetos obligados, de acuerdo con lo previsto en el ordenamiento jurídico, a fin de evitar el devengo de intereses.

4. El pago de la remuneración que afecte a establecimientos de titularidad pública se efectuará mediante el procedimiento que proceda conforme a la legislación aplicable en cada administración pública titular de la obligación. Las asociaciones de entidades locales podrán actuar en representación de las administraciones locales que acuerden otorgarles su representación.

#### Artículo 6. Colaboración entre Administraciones Públicas.

A los efectos de promover el cumplimiento de las obligaciones que afectan a establecimientos de titularidad pública, el Consejo de Cooperación Bibliotecaria reunirá y difundirá cuanta información le suministren sus miembros en relación con los elementos que intervienen en el cálculo de la remuneración por préstamo incluidos en el artículo 7.

#### Artículo 7. Cálculo de la cuantía de la remuneración.

1. La cuantía global en concepto de remuneración por préstamo en los establecimientos incluidos el artículo 2 se determinará por la administración o entidad titular del establecimiento en los términos previstos en los apartados siguientes, en función de la suma de una cantidad calculada en relación con el número de obras sujetas a derechos de autor puestas a disposición con destino al préstamo, y de una cantidad derivada del número de usuarios efectivos del servicio de préstamo.

2. La cuantía global en concepto de remuneración por préstamo se calculará anualmente, y se hará efectiva a lo largo del primer semestre del año siguiente. Los datos a utilizar para estos cálculos serán los correspondientes al ejercicio anual precedente.

recognized in accordance with their terms. If the concurrent entities do not reach said agreement, the amounts owed may be recorded by the obligated subjects, in accordance with the provisions of the legal system, in order to avoid the accrual of interest.

4. The payment of remuneration that affects publicly owned establishments will be made through the appropriate procedure in accordance with the legislation applicable in each public administration holding the obligation. Associations of local entities may act on behalf of local administrations that agree to grant them representation.

#### Article 6. Collaboration between Public Administrations.

For the purposes of promoting compliance with the obligations that affect publicly owned establishments, the Library Cooperation Council will gather and disseminate all information provided by its members in relation to the elements involved in the calculation of the loan remuneration included in the article 7.

#### Article 7. Calculation of the amount of remuneration.

1. The overall amount of remuneration for loans in the establishments included in article 2 will be determined by the administration or entity that owns the establishment in the terms provided for in the following sections, based on the sum of an amount calculated in relation to the number of works subject to copyright made available for loan, and an amount derived from the number of effective users of the loan service.

2. The global amount of remuneration for the loan will be calculated annually, and will become effective throughout the first half of the following year. The data to be used for these calculations will be those corresponding to the previous annual year.

<p>3. La parte de la cuantía que toma como base el número de obras sujetas a derechos de autor puestas a disposición con destino a préstamo, se obtendrá multiplicando por 0,004 euros el número de obras que han sido objeto de préstamo en cada establecimiento en el año correspondiente.</p> <p>4. La parte de la cuantía relativa al número de usuarios efectivos del servicio de préstamo se obtendrá multiplicando por 0,05 euros el número de usuarios inscritos anualmente en cada establecimiento que hayan hecho uso efectivo del servicio de préstamo en el año correspondiente.</p> <p>Artículo 8. Distribución de la remuneración.</p> <p>1. La remuneración a los autores con las cantidades obtenidas conforme a lo previsto en el artículo 7 se hará efectiva a través de las entidades de gestión de los derechos de autor.</p> <p>2. Las entidades de gestión de los derechos de autor estarán obligadas a satisfacer anualmente a los autores la remuneración individual que les corresponda por el préstamo de sus obras, en función de las cantidades obtenidas en aplicación de lo previsto en el artículo 7. El criterio utilizado para efectuar dicho reparto deberá ser, en todo caso, objetivo, proporcional y de público conocimiento. Disposición transitoria. Aplicación del cálculo de la cuantía de la remuneración.</p> <p>1. El cálculo de la cuantía que toma como base el número de obras sujetas a derechos de autor puestas a disposición con destino a préstamo, conforme al artículo 7.3, e aplicará a partir del 1 de enero de 2016. Hasta esa fecha el cómputo se obtendrá multiplicando por 0,16 euros el número de obras adquiridas anualmente a tal efecto en cada establecimiento.</p> <p>2. El cálculo de la cuantía relativa al número de usuarios efectivos del servicio de préstamo, conforme al artículo 7.4, se aplicará desde la entrada en vigor de este real decreto.</p>	<p>3. The part of the amount that is based on the number of works subject to copyright made available for loan, will be obtained by multiplying by 0.004 euros the number of works that have been loaned in each establishment in the year. correspondent.</p> <p>4. The part of the amount relating to the number of effective users of the loan service will be obtained by multiplying by 0.05 euros the number of users registered annually in each establishment that have made effective use of the loan service in the corresponding year.</p> <p>Article 8. Distribution of remuneration.</p> <p>1. Remuneration to authors with the amounts obtained in accordance with the provisions of article 7 will be made effective through the copyright management entities.</p> <p>2. The copyright management entities will be obliged to annually pay the authors the individual remuneration that corresponds to them for the loan of their works, based on the amounts obtained in application of the provisions of article 7. The criterion used to carry out said distribution must be, in any case, objective, proportional and publicly known. Transitional provision. Application of the calculation of the amount of remuneration.</p> <p>1. The calculation of the amount based on the number of works subject to copyright made available for loan, in accordance with article 7.3, will apply from January 1, 2016. Until that date the calculation will be obtained by multiplying by 0.16 euros the number of works acquired annually for this purpose in each establishment.</p> <p>2. The calculation of the amount relative to the number of effective users of the loan service, in accordance with article 7.4, will apply from the entry into force of this royal decree. Unique additional provision. Update of amounts.</p>
--	---

<p>Disposición adicional única. Actualización de cuantías.</p> <p>Mediante Orden Ministerial del departamento competente en la materia, las cuantías previstas en el artículo 7 de este real decreto podrán actualizarse de acuerdo a la normativa vigente en materia de actualización de valores monetarios.</p> <p>Disposición final primera. Título competencial. Este real decreto se dicta al amparo de lo dispuesto en el artículo 149.1.9.<sup>a</sup> de la Constitución Española, que atribuye al Estado la competencia exclusiva en materia de legislación sobre propiedad intelectual e industrial.</p> <p>Disposición final segunda. Habilitación para el desarrollo reglamentario.</p> <p>Se habilita a la persona titular del Ministerio de Educación, Cultura y Deporte para dictar cuantas disposiciones y actos sean necesarios para el desarrollo de este real decreto.</p> <p>Disposición final tercera. Entrada en vigor.</p> <p>El presente real decreto entrará en vigor el día siguiente al de su publicación en el «Boletín Oficial del Estado».</p> <p>Dado en Madrid, el 18 de julio de 2014</p>	<p>By Ministerial Order of the department competent in the matter, the amounts provided for in article 7 of this royal decree may be updated in accordance with current regulations regarding the updating of monetary values.</p> <p>First final provision. Competence title. This royal decree is issued under the provisions of article 149.1.9.<sup>a</sup> of the Spanish Constitution, which attributes to the State exclusive competence in matters of legislation on intellectual and industrial property.</p> <p>Second final provision. Authorization for regulatory development.</p> <p>The head of the Ministry of Education, Culture and Sports is empowered to dictate as many provisions and acts as are necessary for the development of this royal decree.</p> <p>Third final provision. Entry into force.</p> <p>This royal decree will come into force on the day following its publication in the “State official newsletter”.</p>
--	--

## 171 DISTRIBUTION RULES

CEDRO distributes on the data delivered by the libraries.

## 172 COUNTRY REPORT SWEDEN

### 173 ADDITIONAL SYSTEM INFORMATION

- The state paid PLR fund is based on loans data and is used for individual remuneration and grants. Reference copies are included and count as equal to 4 loans. Swedish and Norwegian scheme: different as to assessment of sum.
- The system is governed by the Swedish authors fund<sup>156</sup>, which is a government body with representation of authors and creators associations within. The Fund calculates and disburses remuneration based on lending frequency to individual authors and translators for the loans of library books to the public.
- Authors who write in Swedish, translators who translate into Swedish and originators of literary works permanently living in Sweden are entitled to receive remuneration.
- Material covered by the system includes authors, translators as well as compilations, but with a maximum of 3 authors only.
- Illustrators are eligible only if they are co-authors, no remuneration is paid for cover art.
- In the case of death, the remuneration is paid to the heirs, in compliance with the law of succession, for as long as copyright exists.<sup>157</sup>

### 174 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- There is a discussion about including e-lending figures in the calculation of the grant with no result so far. Recent studies showed relatively low figures of e-lending. However, audio books (streaming) seem to be replacing loans of physical books.<sup>158</sup>

### 175 BEST PRACTICES IN THE COUNTRY

- The culture policy-based system has proven to be very stable.
- Loan based calculation gives some connection to the actual uses, however, loan-based calculation of PLR remuneration is vulnerable in times of decreasing loans.
- Including reference copies in a loans-based system equals out disadvantages for scientific and non-fiction writers.

### 176 RESOURCES FOR FURTHER RESEARCH

<https://www.svff.se/International/index.html>

### 177 LEGAL PROVISION IN NATIONAL LAW

Original Wording <sup>159</sup>	Machine Translation by Google Translate
Förordning (1962:652) om Sveriges författarfond Svensk författningssamling	Ordinance (1962:652) on Sweden's authors' fund
Svensk författningssamling (SFS) innehåller gällande lagar och förordningar. Om en författning ändras ersätts den gamla texten med den nya.	Swedish Code of Statutes Swedish Constitution Collection (SFS) contains current laws and regulations. If a

<sup>156</sup> <https://www.svff.se/International/index.html>

<sup>157</sup> <https://www.svff.se/International/index.html>

<sup>158</sup> Information by interview given by Jesper Söderström on January 22<sup>nd</sup>, 2024.

<sup>159</sup> [https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/forordning-1962652-om-sveriges-forfattarfond\\_sfs-1962-652/](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/forordning-1962652-om-sveriges-forfattarfond_sfs-1962-652/)



<p>SFS nr: 1962:652  Departement/myndighet:  Kulturdepartementet  Utfärdad: 1962-11-23  Omtryck: SFS 1979:394  Ändrad: t.o.m. SFS 2019:1270  Ändringsregister: SFSR (Regeringskansliet)  Källa: Fulltext (Regeringskansliet)  Innehåll:</p> <p>Övergångsbestämmelser</p> <p>1 § Denna förordning innehåller bestämmelser om statlig biblioteksersättning för litterära verk och om styrelsen för Sveriges författarfond. Förordning (2014:1522).</p>	<p>constitution is amended, the old text is replaced by the new one.  SFS no: 1962:652  Ministry/authority: Ministry of Culture  Issued: 23-11-1962  Reprint: SFS 1979:394  Changed: up to SFS 2019:1270  Change register: SFSR (Government Office)  Source: Full text (Government Office)  Content:</p> <p>Transitional provisions</p> <p>§ 1 This regulation contains provisions on state library compensation for literary works and on the board of Sweden's authors' fund. Ordinance (2014:1522).</p>
<p>1 a §  Ändamålet med biblioteksersättningen är att främja litteraturens utveckling och bidra till att förbättra de litterära upphovsmännens ekonomiska villkor genom att ersätta dem för tillgången till och användningen av deras verk på bibliotek. Förordning (2014:1522).</p>	<p>§ 1 a  The purpose of the library compensation is to promote the development of literature and contribute to improving the financial conditions of literary authors by compensating them for access to and use of their works in libraries. Ordinance (2014:1522).</p>
<p>2 § Verksamheten vid Sveriges författarfond leds av styrelsen. Förordning (2014:1522).</p>	<p>§ 2 The activities of Sweden's authors' fund are managed by the board. Ordinance (2014:1522).</p>
<p>3 § I denna förordning avses med</p> <p>bibliotek: folkbibliotek och skolbibliotek, referensexemplar: volym av ett litterärt verk som vid en viss tidpunkt under kalenderåret funnits tillgänglig på bibliotek för läsning men inte för hemlån.</p> <p>Det som sägs om upphovsmän till litterära verk ska tillämpas även beträffande illustratörer, bildkonstnärer och fotografer när det gäller sådana litterära verk som till väsentlig del består av illustrationer, bildkonst eller fotografier, om inte annat anges. Förordning (2014:1522).</p>	<p>§ 3 In this regulation is meant with libraries:</p> <p>public libraries and school libraries, reference copy: volume of a literary work which at a certain time during the calendar year was available in a library for reading but not for home loan.</p> <p>What is said about authors of literary works shall also be applied to illustrators, visual artists and photographers in the case of such literary works which essentially consist of illustrations, visual arts or photographs, unless otherwise stated. Ordinance (2014:1522).</p>
<p>4 § Till fonden överförs det varje år av statsmedel en biblioteksersättning med</p> <ul style="list-style-type: none"> <li>– ett grundbelopp för varje hemlån från bibliotek av ett fysiskt exemplar av ett litterärt verk i original,</li> <li>– fyra gånger grundbeloppet för varje referensexemplar av ett sådant verk,</li> <li>– hälften av grundbeloppet för varje hemlån av ett fysiskt exemplar av ett</li> </ul>	<p>4 § A library allowance is transferred to the fund each year from state funds</p> <ul style="list-style-type: none"> <li>– a basic amount for each home loan from a library of a physical copy of a literary work in the original,</li> <li>– four times the basic amount for each reference copy of such a work,</li> <li>– half of the basic amount for each home loan of a physical copy of a literary work</li> </ul>

<p>litterärt verk i översättning till eller från svenska språket, och</p> <ul style="list-style-type: none"> <li>– två gånger grundbeloppet för varje referensexemplar av en sådan översättning.</li> </ul> <p>Med litterärt verk i original enligt första stycket avses verk som upphovsmannen har skrivit på svenska eller verk av en upphovsman som har sin vanliga vistelseort i Sverige, om upphovsrätt enligt lagen (1960:729) om upphovsrätt till litterära och konstnärliga verk fortfarande gäller.</p> <p>Första stycket gäller i fråga om översättning till eller från svenska språket om upphovsrätt till översättningen enligt lagen om upphovsrätt till litterära och konstnärliga verk fortfarande gäller.</p> <p>Har ett verk två eller flera upphovsmän eller översättare gäller andra och tredje styckena om en av dem uppfyller kraven. Förordning (2014:1522).</p>	<p>in translation into or from the Swedish language, and</p> <ul style="list-style-type: none"> <li>– twice the basic amount for each reference copy of such translation.</li> </ul> <p>An original literary work according to the first paragraph means a work that the author has written in Swedish or a work by an author who has his usual place of residence in Sweden, if copyright according to the Act (1960:729) on copyright to literary and artistic works still applies.</p> <p>The first paragraph applies to translation into or from the Swedish language if copyright to the translation according to the Act on Copyright to Literary and Artistic Works still applies.</p> <p>If a work has two or more authors or translators, the second and third paragraphs apply if one of them meets the requirements. Ordinance (2014:1522).</p>
<p>4 a § Storleken på grundbeloppet i 4 § bestäms genom överenskommelse mellan regeringen, Sveriges Författarförbund, Föreningen Svenska Tecknare och Svenska Fotografers Förbund.</p> <p>Biblioteksersättningen beräknas med utgångspunkt från medelvärdet av antalet hemlån och referensexemplar under två kalenderår i följd (beräkningsperiod).</p> <p>Medelvärdet under en beräkningsperiod ska utgöra grunden för den biblioteksersättning som överförs under två år i följd, med början tre år efter det sista kalenderåret i beräkningsperioden. Förordning (2014:1522).</p>	<p>§ 4 a The size of the basic amount in § 4 is determined by agreement between the government, Sweden's Authors' Association, the Association of Swedish Illustrators and the Swedish Photographers' Association.</p> <p>The library compensation is calculated based on the average value of the number of home loans and reference copies during two consecutive calendar years (calculation period).</p> <p>The average value during a calculation period shall form the basis for the library compensation transferred over two consecutive years, beginning three years after the last calendar year of the calculation period. Ordinance (2014:1522).</p>
<p>5 § Från fonden ska ersättning lämnas till enskilda upphovsmän till litterära verk i original för antalet hemlån av fysiska exemplar från bibliotek och för antalet fysiska referensexemplar av verket (individuell ersättning till författare).</p>	<p>5 § Compensation must be provided from the fund to individual authors of original literary works for the number of home loans of physical copies from libraries and for the number of physical reference copies of the work (individual compensation to authors).</p>

<p>Från fonden ska ersättning lämnas till enskilda översättare av litterära verk till eller från svenska språket för antalet hemlån av fysiska exemplar från bibliotek och för antalet referensexemplar av verket (individuell ersättning till översättare).</p> <p>Första stycket gäller endast om antalet upphovsmän till ett verk är högst tre och upphovsmannen har skrivit på svenska eller har sin vanliga vistelseort i Sverige och upphovsrätt till verket enligt lagen (1960:729) om upphovsrätt till litterära och konstnärliga verk fortfarande gäller.</p> <p>Andra stycket gäller om antalet översättare till verket är högst tre och upphovsrätt till översättningen fortfarande gäller. Förordning (2014:1522).</p>	<p>Compensation from the fund must be provided to individual translators of literary works into or from the Swedish language for the number of home loans of physical copies from libraries and for the number of reference copies of the work (individual compensation to translators).</p> <p>The first paragraph only applies if the number of authors of a work is a maximum of three and the author has written in Swedish or has his usual place of residence in Sweden and copyright to the work according to the Act (1960:729) on copyright to literary and artistic works still applies.</p> <p>The second paragraph applies if the number of translators for the work is a maximum of three and copyright to the translation still applies. Ordinance (2014:1522).</p>
<p>6 § Individuell ersättning till författare lämnas med 60 procent av grundbeloppet enligt 4 a § för varje hemlån och fyra gånger detta belopp för varje referensexemplar. Finns det två eller tre ersättningsberättigade upphovsmän, ska ersättningen delas lika mellan dem.</p> <p>När det gäller litterära verk som till en väsentlig del består av illustrationer, bildkonst eller fotografier får dock styrelsen bestämma en annan fördelning av ersättningen mellan å ena sidan författare och å andra sidan illustratör, bildkonstnär eller fotograf.</p> <p>Individuell ersättning till översättare lämnas med 30 procent av grundbeloppet för varje hemlån av litterärt verk i översättning och fyra gånger detta belopp för varje referensexemplar av sådan översättning.</p> <p>Finns det två eller tre ersättningsberättigade översättare till ett litterärt verk, ska ersättningen delas lika mellan dem. Förordning (2014:1522).</p>	<p>§ 6 Individual remuneration to authors is provided with 60 percent of the basic amount according to § 4 a for each home loan and four times this amount for each reference copy. If there are two or three authors entitled to compensation, the compensation must be divided equally between them.</p> <p>However, in the case of literary works that consist to a significant extent of illustrations, visual arts or photographs, the board may determine a different distribution of the remuneration between the author on the one hand and the illustrator, visual artist or photographer on the other hand.</p> <p>Individual compensation for translators is provided at 30 percent of the basic amount for each home loan of a literary work in translation and four times this amount for each reference copy of such translation.</p> <p>If there are two or three translators entitled to compensation for a literary work, the compensation must be divided equally between them. Ordinance (2014:1522).</p>
<p>6 a §</p>	<p>§ 6 a</p>

<p>Ersättning enligt 6 § lämnas för varje kalenderår och beräknas på antalet hemlån och referensexemplar för kalenderåret före det år ersättningen avser. Beräkningen av ersättningen till en upphovsman ska samordnas i fråga om hemlån och referensexemplar i original och översättningar.</p> <p>En upphovsman är inte berättigad till ersättning om den sammanlagda ersättningen understiger ett belopp som motsvarar ersättning för 2 000 lån av verk i original. Överstiger ersättningen ett belopp som motsvarar ersättning för 200 000 lån av verk i original, ska ersättningen minskas med 80 procent av den överstigande delen. Överstiger ersättningen ett belopp som motsvarar ersättning för 400 000 lån av verk i original, ska ersättningen minskas med 90 procent till den del den överstiger denna nivå.</p> <p>Styrelsen får besluta att ersättningen till en viss upphovsman ska lämnas med högre belopp än vad som följer av 6 § samt av första och andra styckena i denna bestämmelse. Förordning (2014:1522).</p>	<p>Compensation according to § 6 is provided for each calendar year and is calculated on the number of home loans and reference copies for the calendar year before the year to which the compensation relates. The calculation of the compensation to an author must be coordinated in the case of home loans and reference copies in originals and translations.</p> <p>An author is not entitled to compensation if the total compensation is less than an amount corresponding to compensation for 2,000 loans of original works. If the compensation exceeds an amount that corresponds to compensation for 200,000 loans of original works, the compensation must be reduced by 80 percent of the excess. If the compensation exceeds an amount that corresponds to compensation for 400,000 loans of original works, the compensation must be reduced by 90 percent to the part that exceeds this level.</p> <p>The board may decide that the compensation to a certain author must be paid with a higher amount than what follows from section 6 and from the first and second paragraphs of this provision. Ordinance (2014:1522).</p>
<p>7 § Utöver individuella ersättningar till författare och översättare får biblioteksersättningen användas till</p> <ol style="list-style-type: none"> <li>1. verksamheten vid Sveriges författarfond,</li> <li>2. stipendier och bidrag till enskilda upphovsmän till litterära verk och bidrag till deras efterlevande,</li> <li>3. bidrag till upphovsmännens organisationer för insatser som syftar till att stärka de litterära upphovsmännens ställning, och</li> <li>4. bidrag till särskilda ändamål som avser litterär verksamhet. Förordning (2015:393).</li> </ol>	<p>7 § In addition to individual compensation for authors and translators, the library compensation may be used for</p> <ol style="list-style-type: none"> <li>1. the activities of Sweden's authors' fund,</li> <li>2. scholarships and grants to individual authors of literary works and grants to their survivors,</li> <li>3. contributions to authors' organizations for efforts aimed at strengthening the position of literary authors, and</li> <li>4. contributions to special purposes relating to literary activities. Ordinance (2015:393).</li> </ol>
<p>8 § Antalet hemlån och referensexemplar av litterära verk som avses i 4 och 5 §§ ska bestämmas genom årliga undersökningar som genomförs av Sveriges författarfond. Förordning (2014:1522).</p>	<p>§ 8 The number of home loans and reference copies of literary works referred to in §§ 4 and 5 shall be determined through annual surveys carried out by Sweden's Authors' Fund. Ordinance (2014:1522).</p>

<p>9 § Efter upphovsmannens död övergår rätten till individuell ersättning enligt lagstiftningen om bodelning, arv och testamente.</p> <p>Rätten till individuell ersättning övergår dock inte om ersättningen till den enskilda mottagaren understiger hälften av den nivå som berättigar en upphovsman till ersättning enligt 6 a §.</p> <p>Rätten till individuell ersättning som inte är tillgänglig för lyftning kan inte överlåtas och får därför inte utmätas. Förordning (2015:797).</p>	<p>§ 9 After the author's death, the right to individual compensation is transferred according to the legislation on estate division, inheritance and wills. However, the right to individual compensation does not transfer if the compensation to the individual recipient is less than half of the level that entitles an author to compensation according to § 6 a. The right to individual compensation that is not available for lifting is not transferable and therefore may not be forfeited. Ordinance (2015:797).</p>
<p>10 § Individuell ersättning tillfaller fonden, om den fem år efter utgången av det kalenderår som ersättningen gäller fortfarande inte har kunnat betalas ut till rätt mottagare på grund av att mottagarens adress är okänd eller det inte kunnat styrkas till vem en upphovsmans rätt har övergått. Förordning (2014:1522).</p>	<p>§ 10 Individual compensation accrues to the fund, if five years after the end of the calendar year to which the compensation applies it still has not been able to be paid to the right recipient due to the recipient's address being unknown or it not being possible to prove to whom an author's rights have transferred. Ordinance (2014:1522).</p>
<p>11 § Styrelsen för författarfonden ska bestå av en ordförande och tio andra ledamöter. Ordföranden och två andra ledamöter förordnas av regeringen.</p> <p>Av övriga ledamöter utses sex av Sveriges Författarförbund, en av Föreningen Svenska Tecknare och en av Svenska Fotografers Förbund.</p> <p>Ordförande och övriga ledamöter utses för högst tre år i sänder.</p> <p>Styrelsen väljer inom sig vice ordförande.</p> <p>Regeringen bestämmer ersättningen till ordförande och ledamöter. Förordning (2015:393).</p>	<p>§ 11 The board of the author's fund shall consist of a chairman and ten other members. The chairman and two other members are appointed by the government.</p> <p>Of the other members, six are appointed by Sweden's Authors' Association, one by the Association of Swedish Draftsmen and one by the Association of Swedish Photographers.</p> <p>The chairman and other members are appointed for a maximum of three years at a time.</p> <p>The board chooses a vice-chairman from among themselves.</p> <p>The government determines the remuneration for the chairman and members. Ordinance (2015:393)</p>
<p>12 § Styrelsen ska utse ett särskilt organ med ledamöter som på styrelsens vägnar fattar</p>	<p>§ 12 The board must appoint a special body with members who, on behalf of the board, make</p>

<p>beslut i frågor om bidrag till dramatiker enligt förordningen (2019:1269) om statsbidrag till konstnärer och om bidrag enligt förordningen (1998:1369) om statsbidrag för beställning av nyskriven svensk dramatik. Det särskilda organet ska bestå av en ordförande och fem andra ledamöter. Fyra av ledamöterna ska utses efter förslag av Sveriges Dramatikerförbund.</p> <p>Styrelsen får också utse andra särskilda organ och delegera rätten att fatta beslut till dessa. Förordning (2019:1270).</p>	<p>decisions in matters of grants to playwrights according to the regulation (2019:1269) on state grants to artists and on grants according to the regulation (1998:1369) on state grants for ordering newly written Swedish drama. The special body shall consist of a chairman and five other members. Four of the members are to be appointed following a proposal by the Swedish Dramatists' Association.</p> <p>The board may also appoint other special bodies and delegate the right to make decisions to them. Ordinance (2019:1270).</p>
<p>13 § Styrelsen anställer den personal som behövs för verksamheten.</p> <p>Styrelsen får anlita sakkunniga och experter för särskilda uppdrag. Förordning (2014:1522).</p>	<p>13 § The board hires the staff needed for the business.</p> <p>The board may hire experts and specialists for special assignments. Ordinance (2014:1522).</p>
<p>14 § Styrelsen är beslutsför om minst hälften av ledamöterna är närvarande utöver ordföranden. Förordning (2014:1522).</p>	<p>§ 14 The board is quorate if at least half of the members are present in addition to the chairman. Ordinance (2014:1522).</p>
<p>15 § Har upphävts genom förordning (2014:1522).</p>	<p>§ 15 Has been repealed by regulation (2014:1522).</p>
<p>16 § Styrelsen ska fatta de beslut som behövs om arbetet inom styrelsen, särskilda organ, personalfrågor och formen i övrigt för verksamheten. Förordning (2014:1522).</p>	<p>§ 16 The board must make the necessary decisions about the work within the board, special bodies, personnel matters and the general form of the business. Ordinance (2014:1522)</p>
<p>17 § Styrelsen får av myndigheter begära de upplysningar och det bistånd som krävs för styrelsens verksamhet och som kan lämnas av myndigheterna. Förordning (2014:1522).</p>	<p>§ 17 The board may request from the authorities the information and assistance required for the board's activities and which can be provided by the authorities. Ordinance (2014:1522).</p>
<p>18 § Styrelsen ska årligen till Regeringskansliet (Kulturdepartementet) lämna en verksamhetsberättelse med en ekonomisk redovisning och en rapport av en auktoriserad revisor över granskningen av räkenskaperna och den ekonomiska redovisningen.</p>	<p>§ 18 The board must annually submit an activity report to the Government Office (Ministry of Culture) with a financial report and a report by an authorized auditor on the examination of the accounts and the financial report.</p> <p>If the report contains any objection, the board must report to the government what</p>

<p>Om rapporten innehåller någon invändning, ska styrelsen redovisa för regeringen vilka åtgärder man har vidtagit eller avser att vidta med anledningen av invändningen.</p> <p>Styrelsen ska också lämna in budgetunderlag med förslag till finansiering av verksamheten för de tre nästkommande budgetåren.</p> <p>Styrelsen ansvarar för att utse en auktoriserad revisor. Förordning (2014:1522).</p>	<p>measures it has taken or intends to take in response to the objection.</p> <p>The board must also submit budget documents with proposals for financing the operations for the next three budget years.</p> <p>The board is responsible for appointing an authorized auditor. Ordinance (2014:1522).</p>
<p>19 § Styrelsens beslut i anställningsärenden får överklagas hos Statens överklagandenämnd. Nämndens beslut får inte överklagas.</p> <p>Andra beslut enligt denna förordning får inte överklagas. Förordning (2014:1522).</p>	<p>§ 19 The board's decision in employment matters may be appealed to the State Board of Appeal. The board's decision may not be appealed.</p> <p>Other decisions according to this regulation may not be appealed. Ordinance (2014:1522).</p>

## 178 DISTRIBUTION RULES

- Distribution takes place once a year, generally at year end.
- The amount paid to the individual author, translator or illustrator depends on the number of times his or her books are borrowed from a public or school library. Compensation is also paid for use of reference copies, i.e. books not available for home loan.
- The rate is SEK 1.06 per loan in 2019. The rate for translations is SEK 0.53 (half the rate for books originally written in Swedish).
- If there are two or three authors or translators of a book, the remuneration is divided equally among them. There is no individual remuneration for books with more than three authors or translators.
- If the remuneration due to an originator is less than SEK 2,120 (i.e. 2,000 loans of original books), no remuneration is paid. There is a degressive scale, i.e., authors with very high loan numbers, the rate of compensation drops gradually, starting with 200,000 loans per year of original books and 400,000 loans per year of translations.

## 179 COUNTRY REPORT UNITED KINGDOM

### 180 ADDITIONAL SYSTEM INFORMATION

- Due to a campaign initialized by the experimental novelists Brigid Brophy and Maureen Duffy the UK introduced a PLR system in 1979.<sup>160</sup> The claim was first put forward in 1972 within the UK's representative body for writers, the Society of Authors. The Public Lending Right Act passed in 1979 and was enacted in 1982. From 1993, PLR was introduced into EU law with all member states expected to adopt their own versions.
- After Brexit, the UK has adopted a similar wording to that used in 1979.
- The governing PLR Service is independent falls under the operations of the Department for Culture, Media and Sport, with registration for the PLR scheme being operated through the British Library.<sup>161</sup> The system receives grant funding from the Department for Culture, Media and Sport. Amendments are made in Parliament, through approval by the Secretary of State, which also constitutes the Central Fund.
- If a library sits wholly outside the statutory public library service, it may still lend books to the public without breaching copyright. It would not have to enter into separate agreements with authors to lend their books and to provide payments to authors. This also applies to other not-for-profit educational libraries sitting outside of local council provision.<sup>162</sup>
- Currently, data on library borrowing is collected from 30 sample libraries within the British public library service and processed by an independent Public Lending Right Service.<sup>163</sup> At least seven sample libraries are required to be replaced. No operative sampling point is allowed to remain for a continuous period of more than four years unless it is in Northern Ireland.<sup>164</sup> This will, according to the British Library, soon be changed to a system of full survey of loans.<sup>165</sup>
- The loans data is calculated to provide national estimate for the loans of each eligible book in that year (the number of "notional loans"). Each registered book ends up with an estimate of how many times it has been loaned throughout the UK.<sup>166</sup>
- To qualify for payment, applicants must apply to register relevant editions of their books, audiobooks, e-books and e-audiobooks. The UK is one of the first countries to extend its library lending compensation scheme to remote e-lending.<sup>167</sup>

### 181 RECENT DEVELOPMENTS IN THE COUNTRY (I.E., ONGOING LEGISLATION)

- The Digital Economy Act 2017 introduced PLR on e-lending. The first reimbursements for e-lending were paid on 1st July 2018.
- In October 2023, the UK Government agreed to amend the PLR Act in so far, that the sample of libraries to assess the loans may comprise all lending of that book from all service points in all groups, this meaning that British Library will shift from a sample based assessment to a scheme of full survey as soon as software infrastructure allows.<sup>168</sup>

---

<sup>160</sup> Joseph Darlington, "The Writer's Action Group (WAG) and the Fight for Public Lending Right (PLR)", *Angles*, 13, 2021, <http://journals.openedition.org/angles/3938>;

<sup>161</sup> "PLR: Serving Authors Since 1979". British Library. <https://www.bl.uk/plr>

<sup>162</sup> <https://dcmslibraries.blog.gov.uk/2020/03/12/public-lending-right-explained/>

<sup>163</sup> Public Lending Right: How it Applies; 2019 <https://www.gov.uk/guidance/public-lending-right-how-it-applies>

<sup>164</sup> <https://www.gov.uk/guidance/public-lending-right-how-it-applies#which-libraries-fall-under-the-scheme>

<sup>165</sup> Information given in interview by Kate Ebdon (British Library) on February 8, 2024.

<sup>166</sup> <https://dcmslibraries.blog.gov.uk/2020/03/12/public-lending-right-explained/>

<sup>167</sup> <https://dcmslibraries.blog.gov.uk/2020/03/12/public-lending-right-explained/>

<sup>168</sup> [The Public Lending Right Scheme 1982 \(Commencement of Variations\) \(No. 2\) Order 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uk/2023/0002/2023-03-23/1)



## 182 BEST PRACTICES IN THE COUNTRY

- Well established loans data based system, constantly being adapted to mirror library use, including remuneration for e-books and audiobooks.
- Assessment of actual loan data will soon include loan data of all public libraries.
- Registration and distribution managed by the British Library extends also to Ireland.

## 183 RESOURCES FOR FURTHER RESEARCH

<https://www.bl.uk/plr>

## 184 LEGAL PROVISION IN NATIONAL LAW

### **Public Lending Right Act 1979 (Chapter 10, incorporating amendments up to the Digital Economy Act 2010)<sup>169</sup>**

1 Establishment of public lending right.

(1) In accordance with a scheme to be prepared and brought into force by the Secretary of State, there shall be conferred on authors a right, known as “public lending right”, to receive from time to time out of a Central Fund payments in respect of such of their books as are lent out to the public by local library authorities in the United Kingdom.

(2) The classes, descriptions and categories of books in respect of which public lending right subsists, and the scales of payments to be made from the Central Fund in respect of it, shall be determined by or in accordance with the scheme; and in preparing the scheme the Secretary of State shall consult with representatives of authors and library authorities and of others who appear to be likely to be affected by it.

(3) F1... the Schedule to this Act has effect F1....

(4) The [F2Board] shall be charged with the duty of establishing and maintaining in accordance with the scheme a register showing the books in respect of which public lending right subsists and the persons entitled to the right in respect of any registered book.

(5) The [F3Board] shall, in the case of any registered book determine in accordance with the scheme the sums (if any) due by way of public lending right; and any sum so determined to be due shall be recoverable from the [F3Board] as a debt due to the person for the time being entitled to that right in respect of the book.

(6) Subject to any provision made by the scheme, the duration of public lending right in respect of a book shall be from the date of the book’s first publication (or, if later, the beginning of the year in which application is made for it to be registered) until 50 years have elapsed since the end of the year in which the author died.

(7) Provision shall be made by the scheme for the right—

(a) to be established by registration;

(b) to be transmissible by assignment or assignation, by testamentary disposition or by operation of law, as personal or moveable property;

<sup>169</sup> <https://www.legislation.gov.uk/ukpga/1979/10/contents>

- (c) to be claimed by or on behalf of the person for the time being entitled;
- (d) to be renounced (either in whole or in part, and either temporarily or for all time) on notice being given to the [F4Board] to that effect.

## 2 The Central Fund.

(1) The Central Fund shall be constituted by the Secretary of State and placed under the control and management of the [F5Board] .

(2) There shall be paid into the Fund from time to time such sums, out of money provided by Parliament, as the Secretary of State with Treasury approval determines to be required for the purpose of satisfying the liabilities of the Fund; but in respect of the liabilities of any one financial year of the Fund the total of those sums shall not exceed £2 million F6....

(3) With the consent of the Treasury, the Secretary of State may from time to time by order in a statutory instrument increase the limit on the sums to be paid under subsection (2) above in respect of financial years beginning after that in which the order is made; but no such order shall be made unless a draft of it has been laid before the House of Commons and approved by a resolution of that House.

[F7(4) There are to be paid out of the Central Fund such sums as may in accordance with the scheme be due from time to time in respect of public lending right.]

[F8(5) There is to be paid into the Central Fund—

- (a) money received by the Board in respect of property disposed of in connection with its functions in relation to public lending right, and
- (b) money otherwise received by the Board in the course of its functions in relation to public lending right, or under this Act,

after deduction of any costs associated with the disposal of the property or otherwise referable to the money received.

(5A) But an amount required to be paid into the Central Fund under subsection (5) is instead to be paid into the Consolidated Fund if the Secretary of State, with the consent of the Treasury, so directs.]

F9(6). . . . .

## 3 The scheme and its administration.

(1) As soon as may be after this Act comes into force, the Secretary of State shall prepare the draft of a scheme for its purposes and lay a copy of the draft before each House of Parliament.

(2) If the draft scheme is approved by a resolution of each House, the Secretary of State shall bring the scheme into force (in the form of the draft) by means of an order in a statutory instrument, to be laid before Parliament after if is made; and the order may provide for different provisions of the scheme to come into force on different dates.

(3) The scheme shall be so framed as to make entitlement to public lending right dependent on, and its extent ascertainable by reference to, the number of occasions on

which books are lent out from particular libraries, to be specified by the scheme or identified in accordance with provision made by it.

(4) For this purpose, “library”—

- (a) means any one of a local library authority’s collections of books held by them for the purpose of being borrowed by the public; and
- (b) includes any such collection which is taken about from place to place.

(5) The scheme may provide for requiring local library authorities—

- (a) to give information as and when, and in the form in which, the [F10Board] may call for it or the Secretary of State may direct, as to loans made by them to the public of books in respect of which public lending right subsists, or of other books; and
- (b) to arrange for books to be numbered, or otherwise marked or coded, with a view to facilitating the maintenance of the register and the ascertainment and administration of public lending right.

(6) The [F11Board] shallF12... reimburse to local library authorities any expenditure incurred by them in giving effect to the scheme, the amount of that expenditure being ascertained in accordance with such calculations as the scheme may prescribe.

(7) Subject to the provisions of this Act (and in particular to the foregoing provisions of this section), the scheme may be varied from time to time by the Secretary of State, after such consultation as is mentioned in section 1(2) above, and the variation brought into force by an order in a statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament; and the variation may comprise such incidental and transitional provisions as the Secretary of State thinks appropriate for the purposes of continuing the scheme as varied.

#### 4 The register.

(1) The register shall be kept in such form, and contain such particulars of books and their authors, as may be prescribed.

(2) No application for an entry in the register is to be entertained in the case of any book unless it falls within a class, description or category of books prescribed as one in respect of which public lending right subsists.

(3) The scheme shall provide for the register to be conclusive both as to whether public lending right subsists in respect of a particular book and also as to the persons (if any) who are for the time being entitled to the right.

(4) Provision shall be included in the scheme for entries in the register to be made and amended, on application made in the prescribed manner and supported by prescribed particulars (verified as prescribed) so as to indicate, in the case of any book who (if any one) is for the time being entitled to public lending right in respect of it.

(5) The [F14Board] may direct the removal from the register of every entry relating to a book in whose case no sum has become due by way of public lending right for a period of at least 10 years, but without prejudice to a subsequent application for the entries to be restored to the register.

[F15(6) The Board may require the payment of fees, according to prescribed scales and rates, for supplying copies of entries in the register.

(6A) A copy of an entry in the register is, in all legal proceedings, admissible in evidence as of equal validity with the original if it is certified in writing by—

- (a) a member of the Board,
- (b) a person employed by, or contracted to provide services for, the Board with authority in that behalf (which authority it is unnecessary to prove).]

(7) It shall be an offence for any person, in connection with the entry of any matter whatsoever in the register, to make any statement which he knows to be false in a material particular or recklessly to make any statement which is false in a material particular; and a person who commits an offence under this section shall be liable on summary conviction to a fine of not more than [F16level 5 on the standard scale]

(8) Where an offence under subsection (7) above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he (as well as the body corporate) shall be guilty of that offence and be liable to be proceeded against accordingly.

Where the affairs of a body corporate are managed by its members, this subsection applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

5 Citation, etc.

(1) This Act may be cited as the Public Lending Right Act 1979.

(2) In this Act any reference to “the scheme” is to the scheme prepared and brought into force by the Secretary of State in accordance with sections 1 and 3 of this Act (including the scheme as varied from time to time under section 3(7); and—

[F17”author”, in relation to a work recorded as a sound recording, includes a producer or narrator; ]

[F18”the Board” means the British Library Board established under section 1(2) of the British Library Act 1972;]

[F17”book” includes—

- (a) a work recorded as a sound recording and consisting mainly of spoken words (an “audio-book”), and
- (b) a work, other than an audio-book, recorded in electronic form and consisting mainly of (or of any combination of) written or spoken words or still pictures (an “e-book”);

[F19”lent out” means made available to a member of the public for use away from library premises for a limited time (including by being communicated by means of electronic transmission to a place other than library premises) and “loan” and “borrowed” are to be read accordingly;]

“library premises” has the meaning given in section 8(7) of the Public Libraries and Museums Act 1964;]

“local library authority” means—

- (a) a library authority under the M1Public Libraries and Museums Act 1964,
- (b) a statutory library authority within the M2Public Libraries (Scotland) Act 1955, and
- (c) an Education and Library Board within the M3Education and Libraries (Northern Ireland) Order 1972;

“prescribed” means prescribed by the scheme;

[F20”producer” has the meaning given in section 178 of the Copyright, Designs and Patents Act 1988;]

“the register” means the register required by section 1(4) to be established and maintained by the [F21Board] ; F22...

F23...

[F24”sound recording” has the meaning given in section 5A(1) of the Copyright, Designs and Patents Act 1988.]

(3) This Act comes into force on a day to be appointed by an order made by the the Secretary of State in a statutory instrument to be laid before Parliament after it has been made.

(4) This Act extends to Northern Ireland.

### **Copyright, Designs and Patents Act 1988<sup>170</sup>**

40A Lending of copies by libraries or archives.

[F3(1) Copyright in a work of any description is not infringed by the following acts by a public library in relation to a book within the public lending right scheme—

- (a) lending the book;
- (b) in relation to an audio-book or e-book, copying or issuing a copy of the book as an act incidental to lending it.

[F4(1ZA) Subsection (1) applies to an e-book or an e-audio-book only if—

- (a) the book has been lawfully acquired by the library, and
- (b) the lending is in compliance with any purchase or licensing terms to which the book is subject.]

(1A) In [F5subsections (1) and (1ZA)] —

- (a) “book”, “audio-book” and “e-book” have the meanings given in section 5 of the Public Lending Right Act 1979,

[F6(aa) “e-audio-book” means an audio-book (as defined in paragraph (a)) in a form enabling lending of the book by electronic transmission,]

- (b) “the public lending right scheme” means the scheme in force under section 1 of that Act,
- (c) a book is within the public lending right scheme if it is a book within the meaning of the provisions of the scheme relating to eligibility, whether or not it is in fact eligible, and
- (d) “lending” is to be read in accordance with the definition of “lent out” in section 5 of that Act (and section 18A of this Act does not apply). ]

<sup>170</sup> <https://www.legislation.gov.uk/ukpga/1988/48/contents>

(2) Copyright in a work is not infringed by the lending of copies of the work by a F7 ...library or archive (other than a public library) which is not conducted for profit. ]

140B Libraries and educational establishments etc : making works available through dedicated terminals

(1) Copyright in a work is not infringed by an institution specified in subsection (2) communicating the work to the public or making it available to the public by means of a dedicated terminal on its premises, if the conditions in subsection (3) are met.

(2) The institutions are—

- (a) a library,
- (b) an archive,
- (c) a museum, and
- (d) an educational establishment.

(3) The conditions are that the work or a copy of the work—

- (a) has been lawfully acquired by the institution,
- (b) is communicated or made available to individual members of the public for the purposes of research or private study, and
- (c) is communicated or made available in compliance with any purchase or licensing terms to which the work is subject.]

41 Copying by librarians: supply of single copies to other libraries

(1) A librarian may, if the conditions in subsection (2) are met, make a single copy of the whole or part of a published work and supply it to another library, without infringing copyright in the work.

(2) The conditions are—

- (a) the copy is supplied in response to a request from a library which is not conducted for profit, and
- (b) at the time of making the copy the librarian does not know, or could not reasonably find out, the name and address of a person entitled to authorise the making of a copy of the work.

(3) The condition in subsection (2)(b) does not apply where the request is for a copy of an article in a periodical.

(4) Where a library makes a charge for supplying a copy under this section, the sum charged must be calculated by reference to the costs attributable to the production of the copy.

(5) To the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of this section, would not infringe copyright, that term is unenforceable.]

42 Copying by librarians etc : replacement copies of works

(1) A librarian, archivist or curator of a library, archive or museum may, without infringing copyright, make a copy of an item in that institution's permanent collection—

- (a) in order to preserve or replace that item in that collection, or
- (b) where an item in the permanent collection of another library, archive or museum has been lost, destroyed or damaged, in order to replace the item in the collection of that other library, archive or museum,

provided that the conditions in subsections (2) and (3) are met.

(2) The first condition is that the item is—

- (a) included in the part of the collection kept wholly or mainly for the purposes of reference on the institution's premises,

- (b) included in a part of the collection not accessible to the public, or
- (c) available on loan only to other libraries, archives or museums.

(3) The second condition is that it is not reasonably practicable to purchase a copy of the item to achieve either of the purposes mentioned in subsection (1).

(4) The reference in subsection (1)(b) to a library, archive or museum is to a library, archive or museum which is not conducted for profit.

(5) Where an institution makes a charge for supplying a copy to another library, archive or museum under subsection (1)(b), the sum charged must be calculated by reference to the costs attributable to the production of the copy.

(6) In this section “item” means a work or a copy of a work.

(7) To the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of this section, would not infringe copyright, that term is unenforceable.]

#### 142A Copying by librarians: single copies of published works

(1) A librarian of a library which is not conducted for profit may, if the conditions in subsection (2) are met, make and supply a single copy of—

- (a) one article in any one issue of a periodical, or
- (b) a reasonable proportion of any other published work,

without infringing copyright in the work.

(2) The conditions are—

- (a) the copy is supplied in response to a request from a person who has provided the librarian with a declaration in writing which includes the information set out in subsection (3), and
- (b) the librarian is not aware that the declaration is false in a material particular.

(3) The information which must be included in the declaration is—

- (a) the name of the person who requires the copy and the material which that person requires,
- (b) a statement that the person has not previously been supplied with a copy of that material by any library,
- (c) a statement that the person requires the copy for the purposes of research for a non-commercial purpose or private study, will use it only for those purposes and will not supply the copy to any other person, and
- (d) a statement that to the best of the person’s knowledge, no other person with whom the person works or studies has made, or intends to make, at or about the same time as the person’s request, a request for substantially the same material for substantially the same purpose.

(4) Where a library makes a charge for supplying a copy under this section, the sum charged must be calculated by reference to the costs attributable to the production of the copy.

(5) Where a person (“P”) makes a declaration under this section that is false in a material particular and is supplied with a copy which would have been an infringing copy if made by P—

- (a) P is liable for infringement of copyright as if P had made the copy, and
- (b) the copy supplied to P is to be treated as an infringing copy for all purposes.

(6) To the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of this section, would not infringe copyright, that term is unenforceable.]

#### 43 Copying by librarians or archivists: single copies of unpublished works

- (1) A librarian or archivist may make and supply a single copy of the whole or part of a work without infringing copyright in the work, provided that—
- (a) the copy is supplied in response to a request from a person who has provided the librarian or archivist with a declaration in writing which includes the information set out in subsection (2), and
  - (b) the librarian or archivist is not aware that the declaration is false in a material particular.
- (2) The information which must be included in the declaration is—
- (a) the name of the person who requires the copy and the material which that person requires,
  - (b) a statement that the person has not previously been supplied with a copy of that material by any library or archive, and
- (c) a statement that the person requires the copy for the purposes of research for a non-commercial purpose or private study, will use it only for those purposes and will not supply the copy to any other person.
- (3) But copyright is infringed if—
- (a) the work had been published or communicated to the public before the date it was deposited in the library or archive, or
  - (b) the copyright owner has prohibited the copying of the work,
- and at the time of making the copy the librarian or archivist is, or ought to be, aware of that fact.
- (4) Where a library or archive makes a charge for supplying a copy under this section, the sum charged must be calculated by reference to the costs attributable to the production of the copy.
- (5) Where a person (“P”) makes a declaration under this section that is false in a material particular and is supplied with a copy which would have been an infringing copy if made by P—
- (a) P is liable for infringement of copyright as if P had made the copy, and
  - (b) the copy supplied to P is to be treated as an infringing copy for all purposes.]

#### 43A Sections 40A to 43: interpretation

- (1) The following definitions have effect for the purposes of sections 40A to 43.
- (2) “Library” means—
- (a) a library which is publicly accessible, or
  - (b) a library of an educational establishment.
- (3) “Museum” includes a gallery.
- (4) “Conducted for profit”, in relation to a library, archive or museum, means a body of that kind which is established or conducted for profit or which forms part of, or is administered by, a body established or conducted for profit.
- (5) References to a librarian, archivist or curator include a person acting on behalf of a librarian, archivist or curator.]

## 185 DISTRIBUTION RULES

- The PLR system calculates a rate Per Loan derived from dividing the total number of eligible book loans into the money available in the Central PLR Fund for distribution.



- The amount per loan is fixed in a statutory rule. In 2019, a single library borrowing was 8.5pence.<sup>171</sup>

[End of document]

---

<sup>171</sup> Public Lending Right". The Society of Authors. <https://www2.societyofauthors.org/where-we-stand/public-lending-right-plr/>