

# Debate/Débat

## **JANE GINSBURG**

After these excellent presentations, we still have a little time for questions. I can see Adolf Dietz asking for the floor.

## **ADOLF DIETZ**

I would like to say, first, that this question of private copying is dealt with now by the German government in the so-called “second basket” of the adaptation of our copyright legislation to the digital environment. Very important discussions are beginning just now on this issue.

My second remark relates to some comments, or rather criticisms, concerning our cultural funds. I do agree that much depends on whether the deduction for cultural and social purposes is based on a decision of the authors to whom the remuneration concerned is due, or it is prescribed by law, or it is made without any authorization given by the interested authors. In Germany, it is prescribed by law. It can be compared to taxation. When it is made without the prescription by law, it is a different situation.

## **Unidentified participant**

I wanted just to put a question to Jane or Thomas about the figures I can see in the paper. According to them, in 2001, we collected in the United States about 2 million euros, and in France, which is a much smaller country, we collected 95 million euros. What is the reason for this conspicuous difference?

## **JANE GINSBURG**

The reason is that the scope of levies is much more limited in the United States than, for example, in France. It is only on digital (not analog) recording media and equipment. This is a very small universe compared with the coverage of the

private copying levies in France. The amount may seem relatively small, but, if we take into account that it relates to this tiny universe, it is not negligible at all. And we do not have cultural deductions.

### **Un participant non-identifié**

Il y a une disposition qui existe dans la loi française selon laquelle la condition pour distribuer la redevance pour la copie privée aux auteurs et aux artistes interprètes est que les interprétations des oeuvres soient fixées dans un pays de l'Union européenne. Cette disposition introduit un double régime. Il y a une perception pour tous, mais dans la phase de la répartition de la redevance bizarrement une ségrégation est établie, et de cette façon les auteurs et artistes des autres pays ne reçoivent pas la redevance pour la reproduction privée de leur oeuvres et interprétations. Est-ce que ce système existe dans des autres pays?

### **JANE GINSBURG**

On the basis of the report, I am afraid I cannot give you a precise answer to this question. The application of the national treatment principle is a complex issue with respect to levies, and the incomplete coverage of neighboring rights by international treaties make such a phenomenon possible, whether it is desirable or not. I trust that subsequent panels will be addressing the national treatment problem with respect to levy systems. However, now I have to announce the end of the debate in this session.