

The private copying levy is paid by manufacturers of blank media (DVDs, USB sticks, memory cards, external hard drives, decoders, smartphones, tablets...) for copies of works made by private individuals for their own private use from the internet, television, scanners, etc.

The levy is distributed on the basis of statistical studies determining the categories of images copied (photographs, cartoons, paintings, drawings, etc.). A quarter of the sums received are used to fund actions supporting creativity and promoting works and artists.

Collection

I - Media on which levy is due

The list of media on which the private copying levy is due and the amounts of this levy are determined on the basis of studies on how copies are used, by the representatives of beneficiaries, manufacturers and consumers under the aegis of the [Commission pour la rémunération de la copie privée](#) [1], of which Adagp is a member.

The statistical studies quantify for each media the number of copies of sound, audiovisual, text or image files which are eligible for the private copying levy.

To determine if such files are eligible for the levy, the studies take into account :

- the source used to copy the file
- the personal or family nature of the copy

To calculate the amount, the studies consider the following in particular :

- the nature of the works copied
- the length or size of the works copied.

From the studies, an average loss per medium or capacity can be estimated, on the basis of which the representatives of beneficiaries negotiate with the representatives of manufacturers and consumers the final amount of the levy that will be applied to each medium.

See [What media are liable for the private copying levy](#) [2]

II - Collecting the levy

The levy is collected directly from manufacturers and importers by [Copie France](#) [3] for all beneficiaries of audio, audiovisual and written works and visual arts.

Copie France collected a total of 192 million Euros in 2011 for all categories. See details of [sums collected by Copie France](#) [4].

Distribution of sums collected for copying fixed image files.

I - Division of sums between different categories

The sum due for fixed images is determined for each medium by decision of the Private Copying Levy Commission. See [What private copying levies are due on the media covered](#) [2]

II - Division between categories of beneficiaries

Article [L311-7](#) [5] of the French intellectual property code stipulates that the sums due for fixed images are shared equally between artists and publishers.

III - Division between collecting societies

Each year, a study is conducted by SORIMAGE (society grouping together representatives of fixed image and written works beneficiaries) to assess the nature of the images copied.

From the results of this study, copies can be broken down into 23 categories of images (Poster, Architecture, Cartoon, Design, Art Drawing, Comic Strip, Illustration, Children's drawing and illustration, Textile design, Video clip image, TV documentary or magazine image, film or television film image, DVD jacket, Manga, Painting, Press photography, Art photography, Advertising and fashion photography, Illustration photography, Set photography, Disk cover, Sculpture, Glassware and ceramics) and the amounts collected distributed between collecting

societies according to the share they represent in each image category.

Thus, Adagp collected 1.7 million Euros for 2011.

IV - Division between artists and cultural actions

According to article [L321-9](#) ^[6] of the French intellectual property code, 25% of the sums are allocated to actions **supporting creativity** and 75% are paid directly to the artists.

To find out more, [click on cultural actions carried out thanks to private copying levy](#) ^[7].

V - Distribution to Adagp artists

Since it is impossible to exhaustively identify the copies made, royalties are divided on statistical bases:

1) Artists are **broken down** into the different image categories used for the SORIMAGE study **according to their fields of artistic activity**.

2) The CSA studies carried out by the Private Copying Levy Commission indicate that 95 to 100% of private copies of images come from the internet, so **artists who do not have images found on the web** via Bing or Google Images **are excluded** from the benefit of the royalty.

3) Within each image category, the amount due to each artist is calculated by allocating a share (variable according to image categories) of this fee **to each artist**, the other share being allocated, except for mangas, cartoons and film posters, **in proportion with the royalties collected** (Internet, photocopying, public lending royalty) or the **number of works shown on the TV** during the last 5 years.

According to the image category, the royalties collected that are taken into account may be different or in variable proportions. For example, the public lending royalty is pertinent to quantify the public's appetite for children's illustrations and is therefore taken into account to break down the sums between children's artists. On the other hand, it does not provide any information representative of the rate of copying of paintings and sculptures and will not therefore be taken into account for the

distribution relating to these categories of works.

For **mangas** and **cartoons**, the complementary criterion taken into consideration is **the number of albums published** in France.

For **film posters** it is the **number of posters** created by each artist.

For **DVD jackets** and **CD covers**, due to the absence of pertinent documentation relating to copies of the works concerned, distribution is carried out only per head.

Distribution of sums collected for images inserted into audiovisual files.

Adagp also collects part of the private copying levy on audiovisual files for fixed images inserted into audiovisual works.

I - Division of sums between different categories

The sum due to the audiovisual category is determined for each medium by decision of the Private Copying Levy Commission. See [What private copying levies are due on the media covered](#) [2]

II - Division between categories of beneficiaries

Article [L311-7](#) [5] of the French intellectual property code stipulates that the sums due for audiovisual works are paid in equal shares to creators, performers and producers.

Visual arts are valued at 2.5% of the creator's share.

III - Division between artists and cultural actions

According to article [L321-9](#) [6] of the French intellectual property code, **25%** of the sums are allocated to **actions supporting creativity** and 75% are paid directly to the artists.

To find out more, [click on cultural actions carried out thanks to private copying levy](#) [7].

IV - Distribution to artists

This amount is distributed every year to creators of works shown on terrestrial channels.

The amount of the private copying levy is calculated according to the following criteria:

- number of images broadcast during the same programme
- channel,
- type of programme
- rate of copying measured by the Institut Médiamétrie for this type of programme on this channel
- type of use (title sequence, generic or background)
- re-distribution

Distribution of sums collected for copying text files.

Adagp also collects part of the private copying levy on written works for its members that have published texts.

I - Division of sums between different categories

The sum due to the written works category is determined for each medium by decision of the Private Copying Levy Commission. See [What private copying levies are due on the media covered](#)

[8]

II - Division between categories of beneficiaries

Article [L311-7](#) [5] of the French intellectual property code stipulates that the sums due for written works are shared equally between authors and publishers.

III - Division between collecting societies

Each year, a study is conducted by SORIMAGE (society grouping together representatives of fixed image and written works beneficiaries) to assess the nature of the images copied.

From the results of this study, copies can be broken down into 11 categories of texts (Encyclopaedias and dictionaries, Practical Guides, History, genealogy, history of art and coffee-table books,

Children's books, Theatre, Poetry, Religion and spirituality, Novels and essays; Human sciences, economics and law, Technical sciences and medicine, Educational texts) and the amounts collected divided between the collecting societies according to the share they represent in each category of text.

Thus, Adagp collected 100,000 Euros of private copying levies for texts in 2011.

IV - Division between artists and cultural actions

According to article [L321-9](#) [6] of the French intellectual property code, **25%** of the sums are allocated to **actions supporting creativity** and 75% are paid directly to the artists.

To find out more, [click on cultural actions carried out thanks to private copying levy](#) [7].

V - Distribution to Adagp authors

Since Adagp does not have precise data on the use of its members' written works, the amounts are divided per head within each category of text.

Links

[1] <http://www.culturecommunication.gouv.fr/Politiques-ministerielles/Propriete-litteraire-et-artistique/Commission-pour-la-remuneration-de-la-copie-privee/>

[2] <http://www.adagp.fr/en/author/collecting-and-distribution/en/faq/quelles-sont-les-remunerations-pour-copie-privee-sur-les-supports-assujettis>

[3] <http://www.copiefrance.fr/cms/site/cf-fr>

[4] <http://www.copiefrance.fr/cms/site/cf-fr/homecf-fr/copiefrance/perception-remuneration>

[5] http://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=382F44FA9C3E1298A6B84E4894458C69.tpdjo10v_2?idArticle=LEGIARTI000006279089&cidTexte=LEGITEXT000006069414&dateTexte=20130328

[6] http://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=382F44FA9C3E1298A6B84E4894458C69.tpdjo10v_2?idArticle=LEGIARTI0000025003546&cidTexte=LEGITEXT000006069414&dateTexte=20130328

[7] <http://www.copieprivee.org/>

[8] <http://www.adagp.fr/en/author/collecting-and-distribution/faq/quelles-sont-les-remunerations-pour-copie-privee-sur-les-supports-assujettis>