

# Private copying The French situation Feb. 2016

# 1) The legal basis on which COPIE FRANCE rely to collect have been validated by the French Administrative supreme Court

Decisions issued by Conseil d'Etat on nov.2014 reject all arguments raised by industrials to cancel decisions and tariff schemes voted by the Commission in charge of setting the tariffs, i.e. => Collections made since January 2013 are thus validated.

2) More than 10 legal court decisions ( first instance and appeal) have confirmed the right for COPIE FRANCE to received a « fair compensation » even in the lack of tariff scheme

The judges have decided that if a decision and a tariff have been cancelled

- 1) they are entitled to set the amount of the fair compensation that COPIE FRANCE must receive
- 2) They can use the last tariffs enacted as an objective economical reference to set the said amount

3) After three years of boycott, industrial representatives agree to come back to work within the commission entitled to set the tariffs.

- A new working program is on the way to be agreed
- An important update of current tariff should be started
- New topics could be further discussed such as the Cloud

## 4) SINCE 2011 COPIE FRANCE IS TO ENFORCE THE OPUS ECJ DECISION

- Approx. 100 foreign websites monitored by COPIE FRANCE as for their sales to French end consumers via Marketplaces
- Approx .10 Court decisions won by COPIE FRANCE establishing the right to collect directly from the website