

Private Copying in Japan

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The remuneration system began in 1992

The Copyright Law was amended to introduce the remuneration system for private audio and video recording in 1992.

【Audio】 Collection Agency: SARAH

Device: DAT, DCC, MD, CD-R, CD-RW

Rate: 2% of the retail price (65% of the list price)

Media: Tapes and discs for the use of the above devices

Rate: 3% of the retail price (50% of the list price)

【Video】 Collection Agency: SARVH

Device: DVCR, D-VHS, MVDISC, DVD-RW, DVD-RAM, Blue-ray

Rate: 1% of the retail price (65% of the list price)

Media: Tapes and discs for the use of the above devices

Rate: 1% of the retail price (50% of the list price)

Collection

€1=JPY127

	Audio	Video	Total
1996	€7.92Mil	–	€7.92Mil
2001	<u>€31.77Mil</u>	€1.00Mil	<u>€32.77Mil</u>
2006	€11.86Mil	€16.50Mil	€28.37Mil
2010	€2.91Mil	<u>€20.29Mil</u>	€23.21Mil
2011	€2.26Mil	€20.12Mil	€22.38Mil
2013	€0.74Mil	0	€0.74Mil

【Audio】 Due to a demand for CD-Rs for music, the audio remuneration has not completely evaporated, but has declined to approximately 4-5% of its peak.

【Video】 The 2012 Supreme Court ruling confirmed defeat for the right holders side in the Toshiba lawsuit. As all existing devices are specifically made for digital broadcasting, which were ruled outside the scope of the remuneration system, the collection amount in 2013 has fallen to zero.

The Toshiba lawsuit

The Supreme Court supported the Intellectual Property High Court ruling in 2012 which stated that “since the remuneration system for video recording only targets analog broadcasting as the recording source, and the recorders in question only record digital broadcasting, said recorders are not specified recording machines, and hence are outside the scope of the remuneration system.”

The issues of the current remuneration system

1. The scope of compensation is stipulated by a cabinet order. This means that, to specify a new audio/video recording device in the cabinet order, an agreement is required between the relevant ministries. As a result, large quantities of high-quality digital audio players and high-capacity external hard disks continue to be manufactured and sold, but they are not within the scope of the remuneration system.
2. The manufacturers of specified recording machines are obligated to cooperate in the charging and collecting of compensation, but are not the party obligated to pay the compensation.

The right holders group's proposal for a new remuneration system

“Culture First”, a coalition of 85 right holders groups in Japan, held a press conference on November 14th, 2013 and proposed creation of a new remuneration system which set the following principles as its pillars that would replace the current system.

1. The subject of the remuneration should be the copying functions that are provided for the purpose of private copying:

“It should be copying functions that are the subject of the remuneration, and therefore it should cover not only traditional devices and mediums, but also internet services such as Cloud.”

2. The supplier of the copying function should be obligated to pay remuneration:

“The parties who are obligated to pay remuneration should be those who supply consumers with devices, mediums and services that carry a copying function for private copying.”

The new remuneration system is under discussion at the government' sub-committee.

- The right holders' proposal was made at the “Subcommittee for Appropriate Protection, Use and Distribution of Works, Subdivision on Copyrights of the Council for Cultural Affairs,” in which the review of a system for appropriate remuneration to creators was discussed as one of the agenda items.