

Dear Sir/ Madam,

Hereunder you will find some background information on Stichting de Thuiskopie, the various collection agreements and the professional use exemption.

In 1991 Stichting de Thuiskopie was appointed by the Minister of Justice as the organisation in charge of the collection and distribution of all private copying levies in the Netherlands. According to the Dutch Copyright Act of 1912 everyone has the right to make a copy of a copyrighted work for his or hers private study or use. That same law states that the rightsholders should be fairly compensated for this private copying.

Furthermore, Dutch Law states that the importers and manufacturers must report their importation or manufacturing to Stichting de Thuiskopie immediately after importation or manufacturing. Non reporting is a misdemeanour and may therefore lead to legal actions.

Stichting de Thuiskopie collects the levies from importers and manufacturers and distributes these levies to the organisations of rightsholders. The levies are set within a negotiating body called SONT. Both rightsholders and the industry are equally represented within this body led by an independent chairman. The various levies are based on market research concerning sales- and consumer use of blank carriers.

Until January 1<sup>st</sup> 2009 the following levies are applicable:

Analogue audio tape	€ 0,23 per hour
Analogue video tape	€ 0,33 per hour
Digital minidisc	€ 0,32 per hour
HI-MD (1 GB)	€ 1,10 per disc (higher capacity is charged proportionally)
Audio cd-r/rw	€ 0,42 per hour
Data cd-r/rw	€ 0,14 per disc
DVD-r/rw	€ 0.60 per 4.7Gb (higher capacity is charged proportionally)
DVD+r/rw	€ 0,40 per 4.7Gb (higher capacity is charged proportionally)

In order to simplify matters, two collection agreements have been developed.

**The A-collection agreement is intended for importers and manufacturers.**

After signing this agreement, only the actual sales have to be reported instead of the total importation or manufacturing figures. No levies are applicable on the remaining stock until that too is delivered. Moreover, reporting to Stichting de Thuiskopie only is needed once every quarter, within 10 days of the end of that quarter. Buyers from A-contractors, who specifically need blank carriers for their professional use, may be exempt from the levies. The 'professional user' has to apply for this exemption at Stichting de Thuiskopie.

**The B-collection agreement involves the A-contractor and the retailer ('B-contractor').**

In order to sign a B-collection agreement, the retailer has to export at least 80% of its carriers or sale them to professional users. The retailer must report all deliveries. Furthermore, levies are still applicable to non-professional users and professional users not yet exempt. The A-contractor is allowed to supply to a B-contractor without charging the levies, but still has to report all these sales to Stichting de Thuiskopie.

**Professional Use exemption**

No levies have to be paid by professional users like broadcasters, video tape duplicators, companies that copy educational and instructional programs or church congregations. The so-called "Declaration of Professional Use" must be applied for by the professional user in order to be exempt from the levies. The professional user has to fill out the form and send it over to Stichting de Thuiskopie. Once administration costs have been paid, the status of "Professional User" is officially granted. Only after this fact the professional user is permitted to purchase blank carriers without having to pay the levies. Stichting de Thuiskopie informs the A-contractors on the status of its professional user(s).

**Attention!!**

- Data CD-r/rw: no professional use exemption is applicable for this carrier.
- STOBI members (foundation of the blank carrier industry) receive a standard discount. Please contact our office for further information or contact STOBI at [stobi@fme.nl](mailto:stobi@fme.nl).

We hope to have informed you sufficiently. For any further questions please contact our office.

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