



BILD-KUNST

Relations between collective management organisations

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1. Normal relationship

- Society A represents the full repertoire of society B in its country
 - primary rights: individual rights management, deductions for administration (10-20 % depending on the contract), no deduction for cultural and social funds
 - collective rights management (remuneration for private copying): deduction for administration (approx. 4 % depending on the yearly performance); deduction for cultural and social purposes (approx. 1 – 8 % depending on collecting societies' decisions)





Continued: Normal relationship

- Collective societies pool the repertoire for common licensing on the basis of a common tariff (OnLineArt)
- Dependent on contract particularities individual right owners can impose individual conditions for licensing (reproduction rights of visual artists)





- Problem: Is society A obliged to enter into contractual relationship with any foreign rights manager?



2. Market distortion deriving from activities of individual right owners or rights managers
- Collecting societies guarantee:
 - distribution to all right owners involved, authors and publishers / producers in adequate proportion
 - no “cherry picking” possible
 - The individual right owner is not obliged to follow rules imposed on collecting societies in his country
 - no social obligations
 - no cultural obligations



3. Consequences

- Enforcement of collective management necessary
- Harmonisation of collecting societies' basic working conditions



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