

## Introductory Reprographic Reproduction Scheme for the Business Sector



### INTRODUCTORY REPROGRAPHIC REPRODUCTION SCHEME FOR THE BUSINESS SECTOR

Given the amendment of copyright law governing reprographic reproduction fees for photocopying copyright protected works, which has been in force since 1 February 2003; acknowledging the need to reconcile the entitlement of right holders to an equitable reproduction fee for photocopying copyright protected works, with the need for transparent but efficient implementation; confident that an agreed combination of a simple, transparent, fixed-sum approach differentiated in accordance with business size and photocopying practices in respect of which there is a duty to pay reproduction fees, will make a fundamental contribution to ensuring its widespread acceptance in the Dutch business sector and hence the proper operation of the current reproduction rights system; VNO-NCW, MKB-Nederland and Stichting Reprorecht have agreed on the following introductory scheme.

#### 1. Table of fees

Invoicing the Dutch business sector for reproduction fees in respect of 2003 (as of 1 February), 2004 and 2005 shall be effected in accordance with the table of fees listed in Schedule 1. This table of fees is based on the number of businesses determined by EIM and CBS [Statistics Netherlands] as the parties have further defined.

For the purposes of this table of fees businesses have been defined in accordance with the CBS' definition of an active business. As part of this table of fees rates will be applied where a workforce numbers 20 or more, one covering a relatively low and the other a relatively high average number of copies which are subject to the duty to pay a reproduction fee.

The sectors have been broken down in accordance with the standard business categories employed by the CBS. As requested by VNO-NCW and MKB-Nederland, the breakdown into two scales of fees is subject to a further categorisation of businesses into sectors which differs from that employed by Veldkamp and NIPO.

#### 2. Copies subject to a duty to pay reproduction fees

If a business does not have a photocopier, it will be assumed that it does not make any copies which are subject to a duty to pay reproduction fees. In principle, collection shall not occur in such a case. Where a business that does not have any employees, has a photocopier,

Stichting Reprorecht may invoice it in accordance with the scale of fees applicable to businesses with up to 20 employees.

Any business which is of the opinion that a fee determined on the basis of this introductory scheme does not bear a reasonable proportion to its actual copying practices, shall be required to make separate arrangements with Stichting Reprorecht based on its volume of copies and the proportion which is assessed to be subject to the duty to pay reproduction fees. Except where evidence is presented to the contrary, Stichting Reprorecht shall be entitled to rely on available research data, such as that provided by Bureau Veldkamp, amongst others.

#### 3. Invoicing

Collections in respect of 2003 and 2004 shall be effected by means of combined invoices issued by Stichting Reprorecht in 2004. Any remittance already made to Stichting Reprorecht shall be offset as an advance payment in this respect. Credit shall be given for any invoice which has already been issued but has not yet been paid. The funds payable in respect of 2003 and 2004 shall be collected in the form of a lump sum in 2004 with a view to the required reduction of the administrative work involved for all concerned.

#### 4. Random tests

Stichting Reprorecht may conduct random tests for the purposes of assessing the arrangements made as part of this introductory scheme.

#### 5. Monitoring team

The parties will establish a joint monitoring team for the purposes of evaluating the agreed system and of discussing any practical matters specific to its implementation. Where the application of the table of fees in relation to any business based on the CBS definition results in patently obvious injustice compared with its application to businesses of a similar size, the monitoring team shall seek an equitable solution. In addition to a representative from their own organisation, VNO-NCW and MKB-Nederland may take along a representative of a business or association of businesses to act as an expert. A meeting shall be held if any of the parties to this introductory scheme deems it necessary to do so. For the rest, it will also be possible to deal with pressing matters in writing.

#### 6. Term of this scheme

This introductory reprographic reproduction scheme for the business sector shall apply to 2003, 2004 and 2005 subject to the option of renewing it for a term still to be specified, if it follows from an interim evaluation that the agreed system functions satisfactorily. The first evaluation shall be completed by 1 May 2005.

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### 7. Collaboration

VNO-NCW and MKB-Nederland shall actively devote themselves to the implementation of this introductory scheme by their members and the businesses affiliated to them. The parties will issue a joint press release on the establishment of this introductory reprographic reproduction scheme for the business sector. Throughout the term of this introductory scheme any press release dealing with a matter which relates to the content of this scheme, shall first be discussed by the monitoring team.

VNO-NCW and MKB-Nederland undertake to present their members with a positive recommendation to ensure the sincere implementation of this introductory scheme, amongst other things, by including same in a letter to their members, an information bulletin and on their websites.

Where necessary, VNO-NCW and MKB-Nederland shall help Stichting Reprorecht to compile an adequate record of addresses for the business sector and to issue the relevant invoices.

### 8. Evaluation

In the event that less than EUR 15 million is collected under the terms of this introductory scheme in any one calendar year, the table of fees will be adjusted so as to ensure that no less than the aforementioned sum will be collected during the term of the contract.

Stichting Reprorecht undertakes to do all in its power to ensure an optimum collection. In the course of evaluation historical figures and further research will have to provide a clearer picture of the actual volume of copies and those copying practices which are subject to a duty to pay reproduction fees, possibly leading to an interim adjustment of the system.

Other points for evaluation and discussion with a view to retaining this scheme after 2005 shall include, amongst other things, the collection system for two years, the feasibility of this scheme, historical figures sourced from other countries and the indexation of the table of fees, all of which may lead to the adjustment of the amount collected.

The Hague, 18 March 2004

On behalf of Stichting Reprorecht

On behalf of MKB-Nederland

[signature]

[signature]

*A.D.H. Fockema Andreae*

*L.M.L.H.A. Hermans*

On behalf of VNO-NCW

[signature]

J.H. Schraven



Schedule 1

### BUSINESS SECTOR REPROGRAPHIC REPRODUCTION TABLE OF FEES

CATEGORY BY SIZE  
(in euros by company per annum)

Fixed Sum	Fixed Sum Low Rate	Fixed Sum High Rate
1-19	15.62	15.62
20-49	100	150
50-99	300	450
100-199	600	900
200-499	1400	900
500+	2900	4350

Sources: CBS and EIM

Remarks: Companies are defined in accordance with the Standaard Bedrijfs Indeling [Standard Business Categories] used by the CBS. Employees are defined in accordance with full-time equivalents (FTE). List of sectors and industries which have been listed for the rate applicable to a large average number of photocopies:

SBI Code	Sector or Industry
65-67	Financial institutions
721	Information technology and computer systems firms
73	Research and development work
741	Legal services
742	Architects, engineering firms and related businesses
744	Advertising agencies and related businesses
74503	Employment and selection agencies
74504	Labour exchanges
74832	Secretarial and translation work
7484	Other business services not mentioned above
8042	Other educational institutions not mentioned above
911	Business, employers and professional associations
912	Trade unions
922	Radio and television
924	Press and news agencies

Date: 4 March 2004