

Hoofddorp – Delft – Den Haag

1 December 2005

## Regeling Reprorecht Bedrijfsleven [Reprographic Reproduction Rights Scheme for the Business Sector]

### Addendum to Reprographic Reproduction Rights Introductory Scheme for the Business Sector

The Confederation of Netherlands Industry and Employers VNO-NCW, The Royal Dutch Association MKB-Nederland [Dutch SME Federation] and Stichting Reprorecht, are of the opinion that the Introductieregeling Reprorecht Bedrijfsleven [Reprographic Reproduction Rights Introductory Scheme for the Business Sector], March 2004, covering the years 2003, 2004 and 2005, has operated according to plan and that an extension is possible. This will be effectuated for the year 2006 together with the collection of fees for 2005; for the years 2007 and 2008 the parties pronounce their intention to continue the scheme, with the following adjustments:

#### *The item below is an addition to article 1 of the Introduction Scheme*

- The schedule of fees, unaltered in the way it is set-up, will be corrected to inflation since the introduction. The fees for the years 2005 and 2006 will be increased with an accumulative rent percentage of 7.4 %. For the years 2007 and 2008 the then established inflation will be taken into account.

The schedule of fees for 2005 and 2006 is accordingly:

	LOW	HIGH
19 or less	€ 16,78	€ 16,78
20 to 49	€ 107	€ 161
50 to 99	€ 322	€ 483
100 to 199	€ 644	€ 967
200 to 499	€ 1.504	€ 2.255
500 +	€ 3.115	€ 4.672

***The item below is an addition tot article 8 of the Introduction Scheme***

- An evaluation of the proceeds of the scheme of the years 2003 and 2004 shows that less than the estimated €15 million was collected. As the amount had then been calculated based on data of Statistics Netherlands [CPB] and an international comparison of income arising from author's rights, and seemed to be reasonable and fair, it is desirable to investigate where the difference stems from. This leads to the following adjustment in the scheme:

The Monitoring group, as defined in article 5, will - in close dialogue with experts from EIM [Business & Policy Research], Statistics Netherlands [CPB] and the supplier of the used databases - investigate which imperfections in which databases have caused a significant difference between number or size of companies, which was the starting point for the set-up of the Introductory Scheme and the number of companies that was contacted by Stichting Reprorecht<sup>1</sup>. The so-called ZZP-ers [independent worker without staff] are not included.

This analysis, the possible additional initiatives to collect fees resulting from this analysis, and the adjusted approach in accordance with art. 2 will contribute to setting the 2007 and 2008 fees.

In order to optimise invoicing, firstly a comparison of the databases as described above will be carried out on short notice, the tentative and final results of which will be assessed in the Monitor group.

If the starting points used by the set-up of the Introductory Scheme turn out to be valid and the corresponding agreed collection of €15 million can - in spite of that - not be effectuated, an extra raise will be necessary in the schedule of fees in addition to the inflation correction we mentioned previously.

The number of € 15 million was based, among other things, on an international benchmark research carried out by VNO-NCW [The Confederation of Netherlands Industry and Employers] and MKB-Nederland [Dutch SME Federation]. This benchmark will be set up again when establishing the fees for 2007 and 2008. Finally, market research will be carried out, supervised by the Monitoring group as well, investigating the photocopying of protected works in the Dutch business community that is liable to payment of rights.

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<sup>1</sup> Items to check are:

- How many companies per size class did we take as a starting point, divided in low and high rate;
- How many companies per size class were contacted, divided;
- How many companies per size class are actually liable to pay, divided;
- What are the expected proceedings per size class, divided;
- How many companies per size class paid, divided;
- What are the effectuated collections per size class, divided;
- What is the rate of "no photo copying device present" per size class, divided;

<sup>2</sup> Here we can think of a factor 2.

***The item below replaces article 2, second paragraph of the Introduction Scheme***

- The arrangements as set out in article 2, enabling companies to settle individual payment schemes – which is now clearly stated on the website of Stichting Reprorecht – are offered mirror wise to the Stichting as well in the event of unreasonable situations. The stipulation states: if a company or Stichting Reprorecht demonstrates that the fixed fee, based on the Reproduction Rights Scheme, does not bear a reasonable<sup>2</sup> relationship to its actual photocopying, an individual arrangement can be made. An example procedure for companies is available on the website.

If the Stichting takes the initiative, it will propose an individual, well-reasoned payment arrangement to the company. Stichting Reprorecht may take the available research data, such as the data collected by Bureau Veldkamp as starting point, unless the contrary has been proven. Companies in the lowest fee class (1-19) will not be contacted by Stichting Reprorecht in this context.

**On behalf of Stichting Reprorecht**

**On behalf of MKB-Nederland**

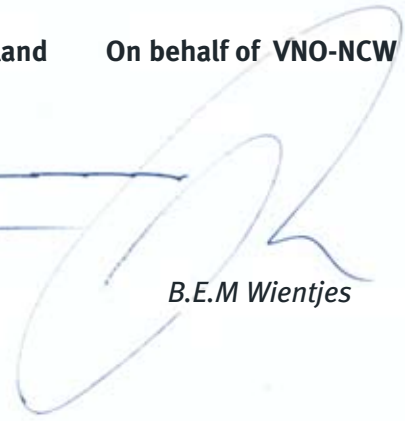
**On behalf of VNO-NCW**



*Ms M.J. Sanders-ten Holte*



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



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