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CAP19-0565

Asia-Pacific Committee

Tokyo, 28/05/2019 - 29/05/2019

Source Language: English

Published on: 15/05/2019

Resolution: Private copy remuneration in Japan

The CISAC Asia-Pacific Regional Committee, comprised of authors' societies from throughout the Asia-Pacific region, met in Tokyo, on May 28th 2019:

Informed by its Japanese members JASRAC and JASPAR, the collective management organizations for authors' rights in musical works and visual art works, respectively, about the dysfunction of the current Audio and Video Home Recording Remuneration System (private copying remuneration system) in Japan;

Noting that, by Government decree that was last updated in 1998, the current system for remuneration for private copying in Japan is very limited in its application and effect. It only covers recording equipment and media formats that are outdated and no longer in regular use (mini-discs, digital audio tapes, digital compact cassettes, etc.). At the same time, equipment and blank media that are being widely used in the market by consumers for private copying, such as PCs, tablets and smart phones, are not subject to the remuneration system and are effectively excluded from it;

Observing that, in other developed markets in the world such as France and Germany, equipment and blank media that are subject to the private copying remuneration system are regularly updated, to reflect consumer behavior and ensure fair remuneration to creators;

Disappointed in the fact that, the legally stipulated responsibilities of producers and importers of equipment and media for private copying were deemed unclear by a Japanese court, whereas the original legislative intent of the Japanese remuneration system alone should have been enough to lead the court to find such responsibilities unequivocal and legally binding;

Taking into account the fact that, unlike Europe, where private copying remuneration systems are common, and Africa, where such systems are increasing rapidly, Japan is the only nation in the Asian region with a private copying remuneration system. This highlights the importance of Japan having an updated and properly-functioning private copying remuneration system, and to serve as a model for other nations in the region to follow;

Emphasizing that, restricting the rights of both local and foreign creators for private copying while not providing an equitable system of remuneration for them is unfair and a serious detriment to creators around the world;

Fully supports the opinions, actions and efforts of JASRAC and JASPAR in this regard; and

Strongly urges the government of Japan to expeditiously establish a new, functional, updated, modern and equitable private copying remuneration system.