

STARTING THE ACTIVITY FOR COMPENSATION IN RESPECT OF PRIVATE COPYING

By Law no. 93 of February 5, 1992 "Standards for phonogram companies and remuneration for private non-profit copying" art. 3 reads:

Paragraph 1 the right of the original producers of audiovisual works and producers of videograms and their successors, to require, as compensation for private copying for personal and non-profit use, a share of the sale price by the retailer of tapes or other media for audio and video recording.

Paragraph 2

The compensation under the above Article is fixed at 5% of the sale price of the retailer of tapes or other media for audio and video recording (videocassettes and others).

Paragraph 6

It is established that the fees under paragraph 1 and 2 for tapes or comparable video recording which is paid to the SIAE shall be shared among their associations most representative net of expenses, as 1/3 to authors, 1/3 to the original producers of audiovisual works and 1/3 to videogram producers who allocate 5% of their compensation to IMAIE (Mutual Institute of Performing Artists).

On November 2, 1998, ANICA (regarding cinematographic works) and APT (for fictional works), both considered the most representative associations, and SIAE signed an agreement by which it was established that ANICA and APT will replace the same SIAE assuming the tasks and responsibilities to redistribute the funds collected to the holders of the rights.

SIAE had previously commissioned a market survey and TV programme monitoring, and according to these, from 1992 to 1997, cases involving the act of recording home movies and fiction involved 60% for cinema and 35% for fiction, other cases amounted to 5%.

The amounts transferred by SIAE to ANICA and APT for the period 1992/1997 in accordance with the provisions of the Mammi Law for the quotas of European and outside Europe TV programming will be awarded as 51% to European Union products and the remaining 49% to products outside the European Union. The amounts paid by the SIAE to ANICA for the period 1992/1997 based on the 60% share for films and net of the substantial costs for services provided by ANICA (aggregated to 10% of amounts received) and also net of the 5% quota due to IMAIE are as follows:

QUOTA 85% original producer and/or their beneficiaries divided into:

Year	TOTAL PAID	QUOTA 10% ANICA	QUOTA 5% IMAIE	51% EU films	49% non-EU films
1992	1,097,911,007	109,791,100	54,895,550	475,944,422	457,279,935
1993	1,302,601,368	130,260,137	65,130,068	564,677,693	542,533,470
1994	1,030,511,485	103,051,148	51,525,574	446,726,729	429,208,034
1995	832,540,645	83,254,064	41,627,032	360,906,369	346,753,180
1996	797,312,330	79,731,233	39,865,616	345,634,895	332,080,586
1997	857,669,812	85,766,981	42,883,491	371,799,863	357,219,477
	5,918,546,647	591,854,663	295,927,331	2,565,689,971	2,465,074,682

The films broadcast on television on the major broadcasters considered (RAIUNO 100%, RAIDUE 100%, RAITRE 100%, RETE 4 100%, CANALE 5 100%, ITALIAUNO 100%, TELEMONTCARLO 60%) resulting from the surveys developed by the relevant bodies in charge of ANICA for this purpose were as follow:

Year	Total transmission minutes of European Union films	Total transmission minutes of non-European Union films	Total minutes of films broadcast
1992	285,352	275,116	560,468
1993	291,465	284,532	575,997
1994	207,048	254,155	461,203
1995	247,826	233,662	481,488
1996	248,473	239,847	488,320
1997	249,652	239,716	489,367
	1,529,816	1,527,027	3,056,844

According to the results (amounts available and total hours of transmissions) due to original producers of audiovisual works (in this case producers of cinema films):

European Union Countries			
Year	Quota EU films (51% of the total) (Italian Lira)	Transmission minutes of EU films	Quota for every transmission minute (Italian Lira)
1992	475,944,422	285,352	1,668
1993	564,677,693	291,465	1,937
1994	446,726,729	207,048	2,158
1995	360,906,369	247,826	1,456
1996	345,634,895	248,473	1,391
1997	371,799,863	249,652	1,489

Outside Europe Countries			
Year	Quota non-EU films (49% of the total) (Italian Lira)	Transmission minutes of non-EU films	Quota for every transmission minute (Italian Lira)
1992	457,279,935	275,116	1,662
1993	542,533,470	284,532	1,907
1994	429,208,034	254,155	1,689
1995	346,753,180	233,662	1,484
1996	332,080,586	239,847	1,385
1997	357,219,477	239,716	1,490

The identification of the original producer and distributor for both European Union movies and non-European Union movies has been determined by using official existing sources (Department of Entertainment and SIAE).

Any claim must be presented to the appropriate ANICA office with a valid contract showing the entitlement to the right in question, such as replacing the original producer.

It is understood that without exception all potential beneficiaries of the amounts accrued in respect of private copying must issue a disclaimer to the same ANICA with which each beneficiary declares under its sole civil and penal liability, ownership of law, relieving ANICA from any liability.

To assist persons entitled to exercise the necessary controls ANICA, thanks to the important work done by its offices, is able to provide the following information (which will be also widely publicised in appropriate ways):

1. movie title
2. name of original producer
3. name of distributor
4. duration of the film
5. year/month/day/ time of TV transmission
6. television broadcaster.