

Fair Pricing / Legislation in Germany

- Alexander Koch / Legal Affairs Manager / koch@bvpa.org -

Current Legislation in Germany



**Implementation EU-Directive
on Collecting Societies**



**Exemptions for Education
and Science**



**Copyright
in the Digital Age**



**Reform of Copyright
Contract Law**



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**Implementation EU-Directive
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**Copyright
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**Reform of Copyright
Contract Law**



1. Copyright Contract Law since 2002

Ways to determine the Equitable Remuneration

Equitable Remuneration

1. Collective Bargaining Agreements

only for members
of the union

2. Joint Remuneration Agreements (JRA)

- Who negotiates JRAs?
- Scope ?

3. Judicial determination in an given case

results unpredictable

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results unpredictable

JRA full-time pressphotographer newspaper

Erstdruckrecht:

Auflage bis	10.000	25.000	50.000	100.000	200.000	über 200.000
4-spaltig und größer	27,50 Euro	33,50 Euro	40,00 Euro	55,00 Euro	69,50 Euro	75,50 Euro
kleiner als 4-spaltig	26,00 Euro	32,00 Euro	38,00 Euro	52,00 Euro	66,00 Euro	71,50 Euro
kleiner als 2-spaltig	22,00 Euro	27,00 Euro	32,00 Euro	44,00 Euro	55,50 Euro	60,50 Euro
kleiner als 1-spaltig	19,50 Euro	23,50 Euro	28,00 Euro	38,50 Euro	48,50 Euro	52,50 Euro

Tabelle mit den Honoraren für Erstdruckrecht

JRA full-time pressphotographer newspaper

Zweitdruckrecht:

Auflage bis	10.000	25.000	50.000	100.000	200.000	über 200.000
4-spaltig und größer	20,50 Euro	25,00 Euro	30,00 Euro	41,00 Euro	51,50 Euro	56,00 Euro
kleiner als 4-spaltig	19,50 Euro	24,00 Euro	28,50 Euro	38,50 Euro	49,00 Euro	53,00 Euro
kleiner als 2-spaltig	16,50 Euro	20,00 Euro	24,00 Euro	33,00 Euro	41,50 Euro	45,00 Euro
kleiner als 1-spaltig	14,50 Euro	17,50 Euro	21,00 Euro	28,50 Euro	36,00 Euro	39,00 Euro

Tabelle für Bildhonorare Zweitdruckrecht

JRA full-time pressphotographer newspaper Vs MFM (BVPA)

	MFM (BVPA)	Agreement of unions	
		first printing	second printing
Circulation up to 25.000 / up to 4 columns	50,00 €	32,00 €	24,00 €
Circulation up to 25.000 / up to 2 columns	45,00 €	27,00 €	20,00 €

2. Typical Problems of Copyright Contract Law

Problems of Copyright Contract Law

- **some content user associations dispute authority to conduct negotiations**
- **companies dispute the legal binding nature of agreements**
- **length of negotiations Vs rapid technological change**
- **copyright owners are afraid of blacklisting**
- **content users demand simplification of copyright licences**

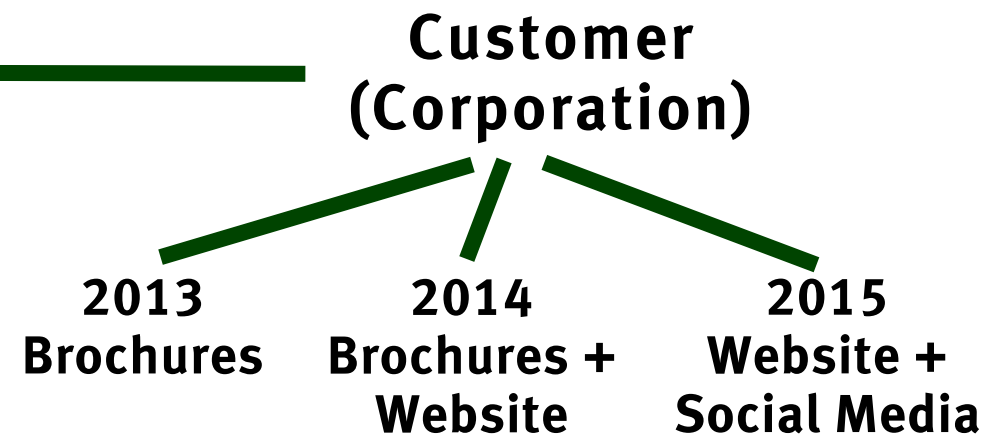
3. Legal Reform (Legislative procedure since 2015)

Legal Reform / Most Important Changes for Image Industry

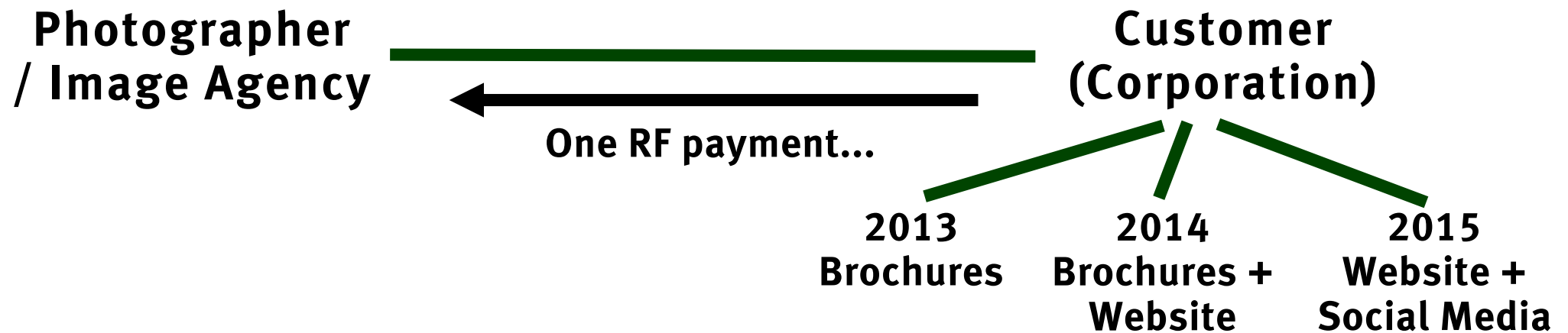
- **clarification the principle that every single form of use is subject to a fee**
- **legal binding nature of agreements**
- **right of associations to initiate proceedings ("Verbandsklage")**
- **limitation of licence duration**
- **elimination the whole chain of title (image agency / customer)**

Cumpulsory Single Payments

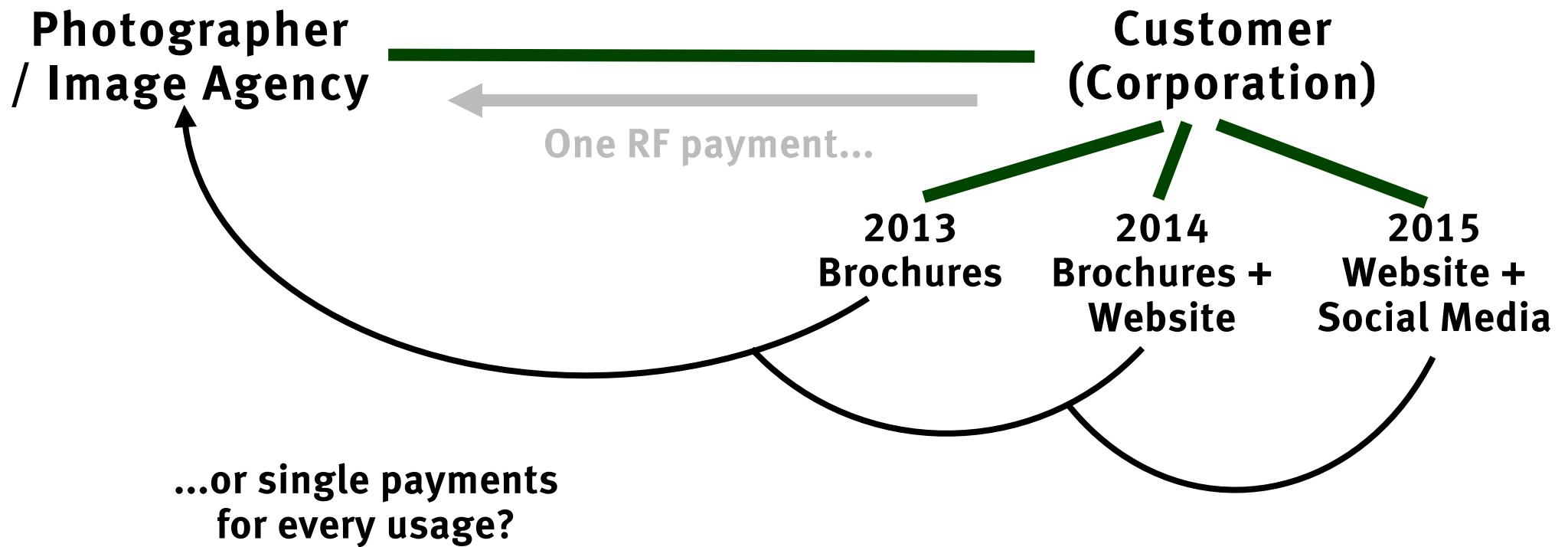
**Photographer
/ Image Agency**



Cumpulsory Single Payments



Cumpulsory Single Payments



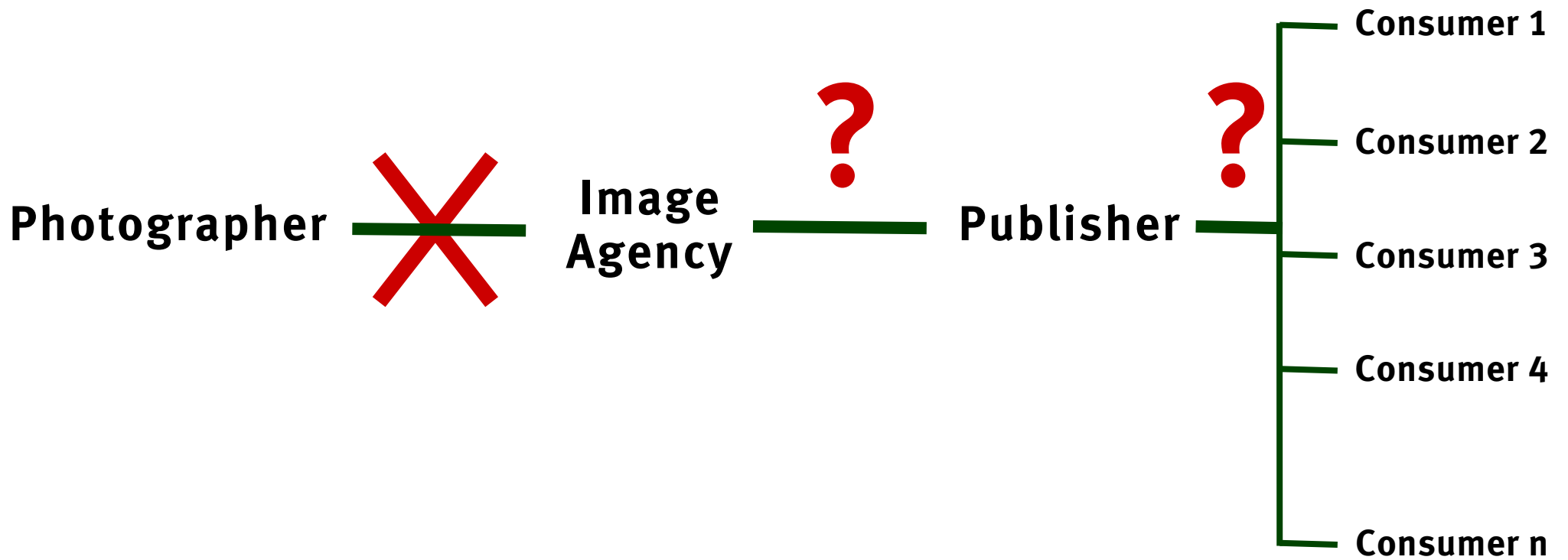
Elimination the whole Chain of Title?



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Elimination the whole Chain of Title?



Legal Reform / Previous Positions of BVPA

- **principle single use payment undermines royalty-free model (RF vs RM?)**
- **limitation of licence duration: no incentive to invest in preservation of historical images**
- **elimination chain of title causes massive legal uncertainties**

Thank you for your attention
- Alexander Koch / 25.05.2016 -