

ORDINANCE OF THE MINISTER OF CULTURE¹
dated 27 June 2003

on the fees paid by the owners of reprographic equipment

Pursuant to Article 20[1] Section 2 of the Act on Copyright and Related Rights dated 4 February 1994 (Journal of Laws of 2000 r. No. 80, Item 904, of 2001, No. 128, Item 1402 and of 2002, No. 126, Item 1068 and No. 197, Item 1662) the following is hereby decreed:

§ 1. This Ordinance determines:

1. the amount, manner of collecting and distribution of fees paid by the owners of the reprographic equipment who carry on business activity within the scope of reproduction of the works for private use of third parties, hereinafter called the "business activity";
2. the organizations of collective management of copyright or related rights authorized to collect the fees from the owners of the reprographic equipment referred to in Section 1.

§ 2. The following fees are hereby determined:

1. 1% of the revenues gained from the business activity – where the works copied for the private use of third parties constitute up to 25 % of the materials reproduced;
2. 1,5% of the revenues gained from the business activity - where the works copied for the private use of third parties constitute from 26 to 75% of the materials reproduced;
3. 3 % of the revenues gained from the business activity - where the works copied for the private use of third parties constitute more than 75 % of the materials reproduced.

§ 3. The following organizations of collective management of copyright or related rights shall be authorized to collect the fees referred to in § 2:

1. Association for the Collective Management of Copyright of Authors of Scientific and Technical Works KOPIPOL – for the benefit of the authors; and
2. Association of Authors and Publishers "Polska Książka "- for the benefit of the publishers.

§ 4.

1. The organizations mentioned in § 3 shall collect the fee for the given quarter within 14 days after the end of that quarter. Information forming the basis for setting the amount of that fee shall be passed together with the fee.
2. The organizations mentioned in § 3 shall remit, within 60 days after the end of the quarter, to the organizations of collective management of copyright or related rights which represent the authors or publishers, hereinafter called the "organizations representing the rightholders", the amounts due to the rightholders represented by these organizations together with the settlement of the fees collected.

¹ The Minister of Culture is in charge of the governmental administration department responsible for the culture and protection of national heritage pursuant to [§ 1](#) Section 2 of the Ordinance of the President of the Council of Ministers dated 29 March 2002 on the detailed scope of actions of the Minister of Culture (Journal of Laws No. 32, Item 303).

§ 5.

1. The organizations mentioned in § 3 shall remit to the organizations representing the rightholders the fees in the amount proportionate to the scope of reproduction by the owners of the reprographic equipment of the works produced by the entities represented by these organizations.
2. The organizations mentioned in § 3 shall distribute the fees on the basis of an agreement made by all the organizations representing the rightholders, after having decided, taking into account the results of tests covering the use of works, which reflect the structure and the scale of reproduction of the works for the private use, what portion of the fees is owed to particular categories of rightholders.
3. In the event that the organizations representing the rightholders cannot reach the agreement, the organizations mentioned in § 3 shall distribute the fees after having decided, taking into account the results of tests mentioned in Section 2, what portion of the fees is owed to particular categories of rightholders. The organization representing the rightholders may notify the organization mentioned in § 3 of its objections concerning the amount of the fee and present relevant documents.
4. In the event that other organizations do not accept such objections, the organizations mentioned in § 3 shall set aside, until the dispute is settled, the amount equal to the value of the evidenced claim lodged by the organizations representing the rightholders.
5. All the organizations representing a given category of rightholders shall mutually agree on the selection of an entity for carrying out the tests and agree on the scope and frequency of such tests. The organizations mentioned in § 3 shall make the results of tests available to the other organizations.

§ 6. The organizations mentioned in § 3 shall distribute the fees after deducting justified and evidenced costs incurred for the purpose of asserting such fees and their distribution.

§ 7. The organizations mentioned in § 3 shall accumulate on separate bank accounts:

1. the fees collected from the owners of the reprographic equipment;
2. a portion of the fees allocated to the entities which are not represented by any organization – for the purpose of its distribution among these entities.

§ 8. The organizations representing the rightholders shall distribute the fees received from the organizations mentioned in § 3 among the entities represented by these organizations.

§ 9. The fees for the first and the second quarter of 2003 shall be paid by 31 August 2003.

§ 10. The Ordinance shall come into force after 14 days following the date of its promulgation.