

In 1995, the payment of a royalty to authors for the photocopying of their works published in books and the media was established in law (art. [L122.10](#) [1]).

COLLECTING

The Centre Français d'exploitation du droit de Copie ([CFC](#) [2]), of which Adagp is a founding member and sits on the board of directors, collects a royalty for all beneficiaries (publishers, writers, artists) directly from users (schools, companies, copyshops).

The amount of the royalties collected by CFC is based on the average number of pages copied and the categories of works copied (after a detailed statistical study, CFC defined 7 categories of books and 7 categories of periodicals, with an equivalent sale price per page)

DISTRIBUTION OF DOCUMENTED SUMS FOR BOOKS

The majority of sums collected by CFC are 'documented'; in other words, the users declare the works photocopied (references of book, category of book, number of pages copied, etc).

N.B.: this documentation consists of a sample of users only, so it comprises representative, but not exhaustive, statistical data.

I - Division of sums between different catalogues and categories of beneficiaries

With the help of statistical studies, CFC defined the share due to publishers and authors for each category of books and, of the authors' share, the share due to writers and artists.

The artists' share is distributed via AVA, chaired and managed by Adagp. The sum distributed in 2010 was 492,399 Euros.

II - Distribution to authors

The documentation collated by CFC every year consists of a list of more than 60,000 books to which an amount of royalties for artists is assigned. It is not possible to divide up these book royalties per book for 2 reasons :

- we don't know what pages are photocopied, so we can't know if an isolated image has been photocopied
- systematic cross-referencing, book by book, between the CFC documentation and our data on published images would be too time-consuming and therefore too costly given the sums involved.

So it was decided within AVA to distribute the royalties by publisher and by category of book rather than by book.

The sums are distributed on the basis of a significant sample of publishers so the amount of data to be handled can be reduced. For 2007, this sample, consisting of publishers for which CFC collected over €200, represented 93% of the sums to be paid. For each publisher thus selected, the royalty to be paid for each category of book is calculated as follows.

1) Each amount associated with a publisher and a category is divided up on the basis of the number of images found in the books (of this publisher/ category) published over the last 5 years.

This first stage gives an amount A1 per artist and per book, in proportion with the number of images published.

2) An initial check is carried out to ensure that the initial calculation (A1) does not assign an amount to an artist for a book that is more than the maximum amount collected by CFC for a book of this publisher and this category.

Thus, we obtain an Amount A2 per artist and per book = A1 limited by the maximum collected by CFC for a book of this publisher/category.

3) All amounts A2 over €100 at the end of the 2nd stage are systematically checked in the CFC documentation, and limited to the

amount actually collected by CFC for the corresponding book.

This gives us an Amount A3 per artist and per book.

4) A final division formula is calculated by totalling the amounts A3 per author. It is this division formula that is applied to determine the amount due to each author of the documented sums.

DISTRIBUTION OF NON-DOCUMENTED SUMS FOR BOOKS

A small part of the sums collected by CFC (photocopies made at BNF, copyshop, etc) are not documented, in other words, there is no information about the type of books photocopied.

I - Division of sums between different catalogues and categories of beneficiary

With the help of statistical studies, CFC defined the share due to publishers and authors for each category of books, and of the authors' share, the share due to writers and artists.

The artists' share is distributed via AVA, chaired and managed by Adagp. The sum distributed in 2010 was 24,954 Euros.

II - Distribution to authors

In the absence of information about the books copied, these sums are distributed in proportion with the number of images published during the year concerned and the previous years.

Links

[1] http://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=F1F1D19B206CDBC0661D5453A3197D32.tpdjo15v_1?idArticle=LEGIARTI000006278933&cidTexte=LEGITEXT000006069414&dateTexte=20130411

[2] <http://www.cfcopies.com/>