

PLR IN ESTONIA

Legal Status: Copyright Act (1992; PLR included in December 1999, enforced in January, 2000)

Secondary legislation: Government decrees passed in 2003, 2003, 2004, 2005.

The system started in March 2004.

Eligibility:

Under the Copyright act eligibility is extended to authors and rightsholders who are citizens or permanent residents of Estonia; books first published in Estonia; books to be protected according to international agreements.

Categories of authors entitled to receive PLR

- * authors of the text: authors, translators, editors;
- * authors of the visual form: graphic designers/illustrators, photographers;
- * audiovisual and phonogram authors via collective management organisations;
- * rightsholders: publishers, heirs etc.

Application process: In order to receive PLR remuneration, authors and rightsholders must submit applications listing their publications. This can be done either in a handwritten form or electronically via our homepage at <http://www.ahf.ee>.

From the very beginning the Estonian system offered a novel solution of electronic application where the lists of publications are filled in automatically after signing in by the author. The filling-in is done on the basis of bibliographic descriptions of the previous years loans. In case the automatic list is incomplete, authors can add missing titles, correct existing bibliographic data etc. Finally they can sign their application digitally and thereby submit it without any paperwork at all.

Since 2006 the authors registered for PLR receive also reprographic reproduction remuneration on the basis of the adjusted “2 in 1” application forms. Applications can be submitted electronically or in a handwritten form. While previously ca 1/3 of authors used the electronic option, 2007 turned out with an opposite ratio – only ca 1/7 of the applications were handwritten. Such electronic revolution enables to distribute remuneration very cost-effectively.

Calculation: Each author’s share is calculated on the basis of

- * number of electronically registered loans in public libraries;
- * volume of illustrations in each book;
- * number of authors/translators/illustrators of each book.

Public libraries are libraries of counties, cities, towns and smaller administrative units. There are 576 public libraries which make ca 12 million loans annually, ca 15 % are registered electronically. Public lending remuneration is calculated on the basis of a statistical sample representing 12 % of the total number of loans.

Funding: Funding is annually negotiated with the Ministry of Culture.

Government allocation:

2003: 600 000 EEK (38 000 EUR)
2004: 1 000 000 EEK (63 900 EUR)
2005: 2 500 000 EEK (159 800 EUR)
2006: 3 500 000 EEK (223 700 EUR; incl. reprographic reproduction remuneration, RRR)
2007: 4 500 000 EEK (287 600 EUR; incl RRR)
2008 (negotiated): 5 500 000 EEK (351 500 EUR; incl RRR)

Payments are made annually by July 1st. In 2005 an upper limit was set to payments. It is the equivalent of 4 average monthly salaries of the previous year according to national official statistics.

Administration:

PLR is run by an independent, non-profit making foundation called Autorihüvitusfond (AHF, Authors' Remuneration Fund).

AHF was founded in January 2004 by the Writers' Union, Publishers' Association, Union of Graphical Designers. The Foundation manages the PLR and Reprographic Rights remuneration systems in Estonia. The Foundation has a board of five members - representatives of the Writers' Union, Publishers' Association, Union of Graphical Designers, Union of Librarians and the Ministry of Culture.

Administrative costs may not exceed 15% of the annual government allocation.

Development perspectives of PLR system:

- * inclusion of academical libraries;
- * extension of public libraries' sample; the current 12% sample will be extended upon results of statistical, technical and cost analysis;

Some remarks on cultural policy, digital revolution and PLR in Estonia.

In 1999 PLR was introduced in Estonian copyright legislation. However, the first attempt to establish PLR was made in the late 1990s by the Writers' Union whose initiative was to introduce a „library penny” payment for loans in the Danish and Finnish fashion. This initiative was not supported by the legislators. Our current, copyright based system is designed to serve economic interests of the largest range of authors and copyright holders including cover-designers and publishers and, as such, should not be regarded as a pure measure of cultural policy. However, technical measures of implementation can always be established in favour of certain cultural-political goals. For example, in Estonia the remuneration share provided for cover-designers (initially planned 30% but reduced to 10% in practice) can be viewed as a tool for supporting and promoting our graphical design.

Estonia is proud to march in the *avant garde* of the digital revolution. Internet usage surveys show that 56% of 6-74 year old Estonians are using the Internet and this number is increasing by at least 2% a year. 34% of the households had computers at home and 82 % of these were connected to the Internet in 2005. People all over the country have free access to the Internet from over 700 Public Internet Access Points (PIAP). PIAPs should guarantee everyone's free access to electronic information, and to training where necessary. Most of PIAPs are located in libraries and other municipal buildings across the country. All Estonian schools are connected to the Internet, as a result of the state-run "Tiger Leap" programme, implemented from 1997-1999. There are

more than 1088 areas per our territory of 45 000 km² that provide high-speed wireless Internet access. Since 2005 e-voting can be practiced in local and general elections.

It is obvious that digital services have become an essential part of everyday life in Estonia, both in private and public spheres. Understandably library services are no exception. Within a national Strategy for Digital Cultural Heritage, our National Library has adopted and is implementing an E-Library Strategy in cooperation with the European Digital Library and the World Digital Library. Besides preservation of cultural heritage, these digital development plans enable to provide a more universal access to knowledge and education following, naturally, also requirements of intellectual property protection. Finding a well-functioning equilibrium between this public interest and the authors' economic interests should be the main challenge for copyright management in the new digital environment. The collective management organisations should look for novel, more efficient and cost-effective business models. Estonia as the homeland of e-government (since 2000 Estonia has pioneered the paperless Cabinet meetings using a web-based document system) on the one hand, and Kazaa, Skype and Hotmail on the other, would be glad to offer innovative solutions here, too.

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