



IT PAYS TO BELONG • PARTICIPEZ VOUS AUSSI

TOP 10 QUESTIONS

Who is PACC?

PACC or Producers' Audiovisual Collective of Canada is a not-for-profit copyright collective founded by the Canadian Film and Television Production Association (CFTPA). On behalf of Canadian producers and other Canadian rightsholders, it collects, allocates and distributes royalties arising from most secondary uses of their productions, or more specifically, from the sale of blank audiovisual media (often referred to as "private copy levies"), from the rental and lending of video recordings, from exhibition or public performance rights, and, from educational copying and performance. PACC is a sister collective to the Canadian Retransmission Collective (CRC), which was also founded by the CFTPA (see www.crc-srcr.ca). However, PACC is a separate organization with a distinct mandate.

What does PACC do?

As a collective society, PACC, on behalf of its registered affiliates, collects income in relation to certain uses of their audiovisual works, in those countries whose laws permit such collections, and then distributes such income to those of its affiliates whose audiovisual works were so used. This service is offered because it is sometimes very difficult for rightsholders to manage and monitor effectively all uses of their rights, particularly in the case of revenues generated outside of Canada. For this purpose, PACC has entered into reciprocal relations with its counterparts in other countries.

What are these royalties exactly?

In the private copying category, there are typically two types of royalties as follows:

- The first, sometimes referred to as the "blank tape levy" or the "home taping levy", seeks to compensate copyright owners or rightsholders for the loss caused by the widespread private copying by consumers of audiovisual works. Typically the levies add a small amount to the price of blank recording media, such as blank videocassettes or DVD's. The remuneration is solely on account of private copying for one's own personal use.
- The second is a royalty that is added to the price of the hardware capable of recording, such as VCR or DVD machines.

In the case of rental right royalties, a DVD/video rental store pays rightsholders for the right to rent audiovisual works. The store typically pays a royalty based on the titles held in its rental inventory.

Exhibition or public performance levies are triggered generally when free, cable and satellite-originated television programs are shown to the public on a television set or other device in a public establishment, such as a bar or fitness centre. These exhibition rights are generally granted by way of licences to establishments.



IT PAYS TO BELONG • PARTICIPEZ VOUS AUSSI

Educational copying and performance royalties arise when educational institutions make copies of television programs while being broadcast and subsequently play those copies in the classroom. By paying the applicable fees, these educational institutions are relieved from the need to otherwise seek and obtain consent of the various copyright owners or rightsholders of the programs.

Who pays these levies?

In the case of private copying levies in a country, payments are made to a local collective by manufacturers and importers of VCRs, by manufacturers of blank recording media such as tapes and, in the case of rental rights, by owners of video rental stores.

In the case of public performance levies, payments are made by public establishments such as bars, restaurants, fitness and recreation centres, hotels, shops, hospitals, prisons.

In the case of educational copying and performance royalties, payments are made by pre-school, elementary, secondary, and post-secondary schools and, as well, certain continuing, professional, and vocational education or training institutions.

Which countries have these levies available currently?

There are a number of countries currently collecting significant levels of royalties arising from secondary uses of audiovisual works. They include Austria, Australia, Belgium, Denmark, France, Germany, Latin America, Poland, Spain, Sweden, Switzerland, The Netherlands, and the United Kingdom. However, not all of these countries have legislation defining all types of royalties, and, not all countries pay remuneration to non-European rightsholders.

There are other countries that have enacted private copying legislation to set up a blank tape levy system. These include Finland, Greece, Italy, and Portugal. However, the systems have not actually been fully implemented in these countries. It is interesting to note that in Canada, the most recent round of copyright revisions (Bill C-32) included a blank tape levy for audio recordings, but ignored the audiovisual field.

PACC will keep a close eye on developments and be sure to negotiate agreements in all of the various countries where royalties are available to Canadian producers and rightsholders.

Are any royalties not collected for Canadian rightsholders by PACC?

PACC does not collect retransmission royalties, whether in Canada or elsewhere worldwide where such royalties are available to rightsholders. The Canadian Retransmission Collective (CRC) collects Canadian-territory retransmission royalties on behalf of Canadian independent producers, and, other rightsholders as well. Registrations for other non-Canadian retransmission royalties may be made directly by Canadian producers and rightsholders with the relevant local collectives, or with the help of intermediaries.



IT PAYS TO BELONG • PARTICIPEZ VOUS AUSSI

PACC also does not collect educational royalties in Canada. This work is done by the Educational Rights Collective of Canada (ERCC).

How do I receive my share of royalties?

It's very simple. We'll ask you to sign a one-page authorization form, which will instruct PACC to collect for you and pay out to you private copying levies, rental and lending royalties, public performance levies and educational copying and performance royalties from those countries where they are available to Canadian producers and rightsholders. Keep us up-to-date about the programs for which you have the right to collect these royalties worldwide and PACC will do the rest.

What is the price to me?

Affiliating with PACC does not trigger any costs or membership fees. PACC is a not-for-profit company and as such all amounts are distributed to qualifying affiliates, pursuant to distribution policies created by its board of directors, after deducting only costs of administration.

Who are the directors of PACC?

There are currently four directors on the board of directors of PACC:
Chair - Eric Birnberg, High Park Entertainment Inc. and Behind the Scenes Services Inc., Partner
Vice-Chair – Guy Mayson, Canadian Film and Television Production Association, President & CEO
Secretary & Treasurer – Stephen Ellis, Ellis Entertainment Corporation, President & CEO
Director - Stephen Stohn, Epitome Pictures Inc., President

Who should I talk to if I have further questions?

You may contact us at the following address:

74 The Esplanade
Toronto, Ontario
M5E 1A9

T: 416-304-0290
F: 416-304-0496
E: info@pacc.ca

Main point of contact:	Vanda M. Macura	Affiliate Relations
Alternate contact:	Carol J. Cooper	President & CEO