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# Kluwer Copyright Blog

## Estonia: Blank tape levy II, Supreme Court of Estonia, 2-14-54193, 29 September 2016

Elise Vasamae (Palladium Attorneys at Law) · Tuesday, November 29th, 2016

A [full report](#) of this case has been published on [Kluwer IP Law](#).

*In this landmark case, the Estonian Supreme Court analysed in detail the legal issues relating to equitable remuneration for the private copying exemption, concentrating on the legality of the regulation on the “blank tape levy” which was established in 2006, and had not taken into account more recent technological developments.*

*The Supreme Court emphasised that although the Infosoc Directive gives member states very broad discretionary authority to establish a “blank tape levy” system, it is beyond doubt that this system must guarantee equitable remuneration to the right holders. It concluded that the Estonian government had failed to keep the list of equipment and devices subject to the “blank tape levy” updated and that this constituted a breach of Article 5(2)b) of the “Infosoc” Directive (2001/29/EU). As a result, in the period from 2010 until 2013 right holders had suffered loss of income.*

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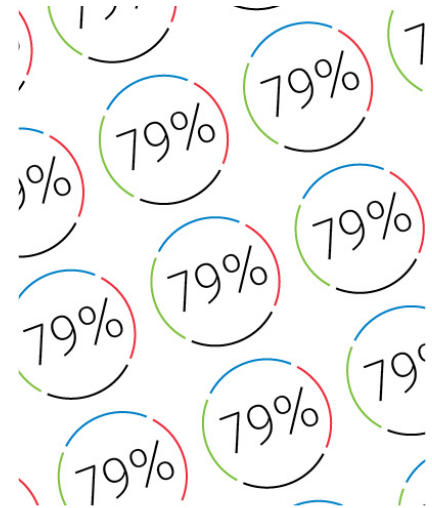
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