
Kluwer Copyright Blog

Copyright case: Blank tape levy III, Estonia

Elise Vasamae (Palladium Attorneys at Law) · Friday, June 15th, 2018

The Tallinn Circuit Court finally and definitively determined the action in the “blank tape levy” court case. This landmark court case had been pending since February 2013, when the authors’, performers’ and phonogram producers’ collecting societies initially filed their complaint against the Government of the Republic of Estonia. During the litigation, the case was reviewed twice by the Estonian Supreme Court. In its judgment the court emphasized that a member state is obliged to adopt, in return for introducing to its legislation the private copying exemption of Article 5(2)b) of the “Infosoc” Directive (2001/29/EU), an adequate legal mechanism that would guarantee right holders “equitable remuneration”. The court held that the Government of the Republic of Estonia should have updated the exhaustive list of the equipment and devices that were subject to the “blank tape levy” as this list had not been amended since 2006. The amount of the “blank tape levy” collected had decreased year by year. Therefore the court concluded that the regulation on the “blank tape levy” did not take into account any further technological developments in this field. The court pointed out that, in particular, audio players (MP3 players) and computer hard drives should have been included in the list. In failing to guarantee to the right holders “equitable remuneration”, the Republic of Estonia had committed a breach of the Infosoc Directive and the right holders had suffered monetary damages that must be compensated by the Estonian Government.

Case date: 31 October 2017

Case number: 3-13-366

Court: Tallinn Circuit Court

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

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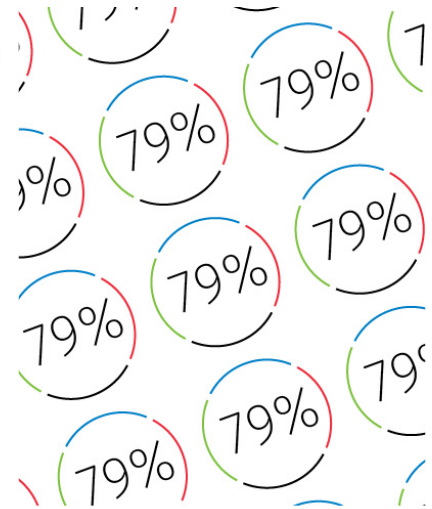
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