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Copyright, to be or not to be

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Questionnaire

The traditional justifications for copyright and related rights

In your country, which justifications for copyright have been presented in connection with your national legislation, for example in the preamble of the Statute or in its explanatory remarks or similar official documents?

Prior to national copyright law, the Constitution of 1853 recognizes in art. 17, Copyright as a Special Property Right in favor of the author. Such overt recognition allowed the courts to apply copyright even before a specific law was passed on the matter.

Are there any similar justifications for related rights? Are the arguments the same as for copyright in literary and artistic works or are there different or additional justifications?

Although the recognition of related rights dates back to Copyright Act 11.723 of 1933, three years earlier, 1930 there was recognition of related rights in the courts. Aware of the importance of related rights, since 1937 there have been actions aimed at consolidating collective management. Since then there has been active promotion of lawsuits to enforce the law.

Is it possible with any certainty to trace the impact of such justifications in the provisions of the law, or is their influence more on a general (philosophical) level?

Argentina, even prior to the promulgation of specific laws, had particular attention and protection through the courts of the works and their creators. A judicial antecedent of this dates from 1884. Since the 19th century was reflected a cultural flourishing, especially in dramatic arts and literature. In the twentieth century, culture was consolidated as an economic activity. Theater, the film industry, publishing industry and prestigious literary authors have reflected the importance of copyright in modern Argentina.

Are there similar, or different or supplementary justifications for copyright and related rights expressed in the legal literature?

There is profuse literature specialized in Argentina. As an example, from the 30's of the last century with works by Matías Sánchez Sorondo (co-author of the current Copyright Act 11,723), Carlos Mouchet, Sigfrido Radaelli and Isidro Satanowsky in the 50's, and contemporary authors such as Delia Lipszyc, Carlos Villalba and Miguel Angel Emery referents of the last 40 years among others. All of them have contributed to consolidate with their ideas and work, the protection through legislation and in the courts of the importance of copyright and related rights for the national economy and culture.

Economic aspects of copyright and related rights

Has there in your country been conducted research on the economic size of the copyright-based industries? If yes, please summarize the results.

An important study has recently been produced as a result of the collaboration between the 'National Copyright Office' and WIPO "The Economic Contribution of Copyright-Based Industries in Argentina". Prof. Juan Miguel Massot, Director; Karina Prieto and Marisa Weiry, Researchers. Final Report. September 2013.

http://www.wipo.int/export/sites/www/copyright/en/performance/pdf/econ_contribution_cr_ar.pdf

The following are the main conclusions about the economic size of the copyright-based industries of the research work:

Statistical aspects and estimates

- Making a study with these characteristics implies the need to have access to statistical sources with a high level of disaggregation to allow for precise measurement of the industries related to copyright.

There was no access to micro data which allowed for a disaggregation at product level and it was necessary to resort to other sources to make the various adjustments. Therefore, it was very valuable to have access to the figures of the last economic census with data for 2003, the only source with information at 5 digits ISIC for value added and for registered employment.

- Results for Argentina indicate that CBIs contributed 3.5% of GDP for 2003 and that they increased their contribution to reach 4.7% in 2008, the last year of the present study. The core industries are the main component of CBI: they are 70% of the total (3.3% of Argentina's GDP in 2008)

- CBIs make a greater contribution to GDP than sectors such as fishing, hotels and restaurants and personal services, and a similar contribution to that of financial intermediation services.

- The period considered in this study was a period of significant GDP growth because there was an important recovery of the Argentine economy after the deep economic crisis which began by mid-1998 with the Brazilian devaluation and the Russian crisis, and which ended up as the worst economic and social crisis suffered by the country since 1930. In this context of recovery, GDP grew at an annual accumulated rate of 8%. CBI dynamism was even greater than that of the whole The Economic Contribution of Copyright-Based Industries in Argentina economy. In every year of the series, CBIs present growth rates which are greater than those of GDP.

This behaviour can be explained by the importance acquired by interdependent activities.

- Growth in employment generated by CBIs is also significant. While jobs in the whole economy increased by 27% in the period under study, CBI employment grew by 44%; core industries stood out with an increase of 48%.

- CBIs contributed 2.7% of employment in 2003 while in 2008 the contribution was 3%. Core industries were the ones with the greater contribution, representing 66% of total employment of CBIs.
- In relation to foreign trade, though the goods trade balance of CBIs showed a deficit, the exports growth of services must be highlighted. The evolution of exports of computing and information services as well as advertising and audiovisual services stands out. Exports of these sectors are considerably higher than their imports. Services exports grew from beginning to end of the period by 417%, while imports grew by 153%. Likewise, in all the period, Argentina was a net exporter of services related to CBIs.
- Exports of goods produced by CBIs represented just 0.6% of total exports. The most important industries, with contributions between 50% and 59% in the period, were the interdependent industries, mainly paper manufacturing.
- In the case of imports, they were around 6% to 8% of total imports. The most relevant were the interdependent industries, with a contribution of 90% to total CBI imports, basically imports of computers and computing equipment.
- Sectorial and market aspects
 - In order to obtain a summary description of some industries related to copyright and based on available information, a selection was made of those connected with the book industry, phonograms, films, software, radio and television.
 - The study shows that, in general, those industries operate under competitive conditions because they are about activities based on ongoing creative processes, unpredictable, and without significant barriers to entry, even when dealing with mature markets.
 - Additionally, these sectors face technological innovations that have an impact on their production and distribution process, bringing in more competition in the markets and creating new business opportunities (electronic books, phonogram digital distribution, demand for services associated to information technologies, etc.). These drive forward their economic activity and promote new jobs, in general those that require qualified skills or non-traditional ones (for example: software or visual arts).
 - Throughout the last decade, the dynamics of these markets have been affected by the macroeconomic dynamics described above, levered by sectorial policies that strongly stimulate the activity of some of them, such as films and software. In the cases of radio and television, regulatory changes have been brought in with the approval of a new legal framework that will have an impact on them, although this not fully evident yet.
 - This reality demands proactive economic agents – both public and private – being able to figure out market channels and to react speedily for a better exploitation of up-coming opportunities, with a long-term and strategic perspective; a factor that is present in all of these markets.

Has the research been conducted in accordance with a generally accepted and described methodology in order to make it comparable to similar research abroad?

This study follows – as closely as possible – the ‘Guide on Surveying the Economic Contribution of the Copyright-Based Industries’, prepared by WIPO and published in 2003, intended as a practical tool to facilitate national and regional surveys. The Guide certainly lays out the thrust of the main legal, economic and statistical concepts relevant to the survey. While general in its basic approach, it contains some indispensable technical detail, which will be further refined in accordance with the results obtained.

Methodological aspects related to estimation of value added, foreign trade and employment.

The referred document is based on the methodology suggested by WIPO (2003) to identify and classify copyright based industries.

According to this classification, four categories of industries are identified:

1. Core copyright industries: These industries are wholly engaged in the creation, production and manufacturing, performance, broadcast, communication and exhibition, or distribution and sales of works or other protected subject matter. They are classified in nine groups: a) press and literature, b) music, theatrical productions and operas, c) motion pictures and videos, d) radio and television, e) photography, f) software and databases, g) visual and graphic arts, h) advertising services, i) copyright collecting societies.
2. Interdependent copyright industries: These industries are engaged in the production and sale of equipment whose function is, wholly or primarily, to facilitate the creation, production or use of works and other protected subject matter. Examples of these are: production and sale of televisions, radios, CD and DVD players, computers, musical instruments, etc.
3. Partial copyright industries: In these industries a portion of the activities is related to works and other protected subject matter; for instance: apparel, textiles, footwear, jewelry, furniture and toys.
4. Non-dedicated support industries: In these industries a portion of the activities is related to facilitate broadcast, communication, distribution or sales of works and other protected subject matter and whose activities have not been included in the core copyright industries. These industries include: general wholesale and retailing, general transportation and telephony and internet.

Identification of CBIs for Argentina

For the purposes of considering the in-force national legislation on the subject and for the interviews carried out with main actors linked to the sector, such as copyright collecting societies, sectorial chambers, experts in the subject or public agencies such as the National Directorate of Copyright, copyright industries in Argentina have been identified in their four categories as above, following the WIPO Guide (2003).

As a first stage, departing from the WIPO suggestions of the industries included in each category with its corresponding 4 digit ISIC (International Standard Industry Classification), the appropriateness of the inclusion of the mentioned ISIC categories has been analyzed, taking into consideration the Argentinean legislation and the interviews carried out. On the other hand, the correspondence between the ISIC classification and the National Economic Census (main source of information) classification (hereinafter ISIC census) was considered, and the level of disaggregation needed to identify the chosen product, due in many cases to the Economic Census, presents broader aggregation groups.

Sources of information

The most appropriate indicator to measure the economic contribution of an industry is the value added. The data which are used to measure the value added of certain industries comes from two sources: input-output tables and estimations of value added by industry.

Due to the fact that the last input-output table compiled for Argentina dates from 1997, this instrument has been discarded and it has been decided to use the value added estimations for certain industries.

Another indicator used to measure the economic contribution of the copyright industries is employment in those industries relative to the total. Finally, the third indicator is foreign trade, which complements the previous two indicators.

Next, the main sources of information from which the value added, employment and foreign trade estimations for copyright industries have been obtained are described:

(a) National Economic Census 2004

With data referring to 2003, the census includes estimations of value of production, value added, employment, compensations, among others, for a wide number of economic sectors. The classification of the census is based on ISIC revision 3, despite the fact that in some cases it creates groups approaching to ISIC revision 4.

The advantage of this source lies in the fact that it has estimations of value added, following the method described in the System of National Accounts, SNA 1993.¹² Additionally, it provides information about registered employment in these industries which is compatible with their value added.

The information is published on the website of INDEC with the mentioned classification. In many cases, this classification coincides with the five digit ISIC revision 3, and in others with the four and three digits.

Therefore some copyright industries are found in broader groupings.

(b) System of National Accounts

National accounts are produced in the Directorate of National Accounts (DNCN) that reports to INDEC, and are based on the System of National Accounts 1993. The DNCN produces the production account with a quarterly frequency which is published at letter level of ISIC revision 3. Series of National Accounts with this disaggregation are available from 2003 up to 2008.

(c) Households Survey

The continuous household survey (ECH) allows estimations of jobs at two digit level of the Classification of Economic Activities for Socio-demographic Surveys of MERCOSUR (CAES-MERCOSUR). CAES is designed based on ISIC revision 3. It observes ISIC's tabulation categories and the two digits, with the exception of the trade sector, where it groups wholesale and retail trade. Jobs can be classified in their different categories, registered wage-earners, non-registered wage-earners, and non-wage-earners. This source allows estimations of the non-observed economy through the non-registered employment.

There is access to microdata users' databases, from which has been constructed an annual series of employment by category, with the above-mentioned classification, from 2003 to 2008.

(d) General Directorate of Customs (DGA)

The foreign trade registry is produced by the General Directorate of Customs (DGA), which is an agency reporting to the Federal Administration of Public Revenues (AFIP). The nomenclature used to register exports and imports is the MERCOSUR common nomenclature based on the 'harmonized system'. Likewise, INDEC processes this information for Balance of Payments as well as for National Accounts by ISIC revision 3.

(e) SInCA

The System of Cultural Information of Argentina is a comprehensive information dataset developed by the National Secretary of Culture. One of the projects of SInCA is the continuous production of statistics on culture.

Some of the statistics that could be obtained from this source are:

- Circulation of newspapers and magazines.
- Phonograms sold.
- Foreign trade of cultural and related goods.

(f) Metropolitan Center of Studies for Economic Development – CEDEM

The Metropolitan Center of Studies for Economic Development (CEDEM) is a part of the Direction of Statistics and Census of Buenos Aires City. It produces a number of statistics related to the

cultural industries of the City of Buenos Aires and in some cases referring to the country as a whole. In the quarterly publication 'Economic Situation of Buenos Aires City', CEDEM incorporates a chapter dedicated to the cultural industries from which various series can be obtained, among which:

- Production of books from the registration of the ISBN:15
- Sales of the music industry (in units).
- Number of people in the audience at the cinemas.
- Number of films which have been commercially premiered

Likewise, CEDEM started in 2011 a survey of book stores in Buenos Aires city from which it is possible to obtain the amount of sold and manufactured books.

(g) Consultations with experts

In some cases, where the required statistical information to make accurate estimates was not available, it was essential to have expert opinions and estimations in consultation with WIPO experts in order to achieve the objectives for the research.

Methodological difficulties for the identification and measurement of CBIs

The Argentinean statistical system presents some limitations which make the identification and measurement of CBIs difficult:

(a) Insufficient disaggregation of the base information. The main source of information is the Economic Census, which presents results by ISIC at different levels of aggregation. There are industries at 5 digit level, others at 4 and others at 3 digits. Actually, in many cases CBIs refer to protected products which can be found in industries which are not totally protected. For this reason, it was necessary, in some core industries, to apply statistical correction coefficients which, in a different way from the copyright factors, try to reflect, due to the lack of statistical disaggregation, the portion which represents the protected industry inside the available census grouping.

One of the characteristic sectors that present this problem is printing. In this sector coexist large firms, many of which provide services to the publishing industry, and small and medium firms. In many cases, the latter are informal firms, which are engaged in printing articles not protected by copyright.

(b) The latest economic census contains information for the year 2003. In order to update these data to 2008, one should use estimations of National Accounts which are disaggregated at letter level.

Therefore, as no specific information can be obtained, in some sectors levels of 2008 could be under or overestimated.

(c) National Accounts include in their estimations both observed and non-observed economic activities, whereas the Economic Census provides information of about the former. Using only census information for the estimation of value added in copyright industries could imply underestimations of its contribution to GDP.

(d) Socio-demographic surveys which are used to measure employment growth of CBI have a two digit disaggregation. So in order to obtain estimations with a greater level of disaggregation, it was necessary to maintain the most disaggregated structure of the Economic Census for 2003. The level of informality in Argentina is high; consequently, the Census underestimates its true economic dimension in some sectors. The only alternative for obtaining an approximate dimension of informality in the CBIs is through use of the socio-demographic surveys. However, as mentioned above, these surveys have a two-digit level of disaggregation, which makes difficult to make precise estimations.

(e) Likewise, National Accounts have not yet estimated the new base for 2004 in which one could obtain the coefficients of the non-observed economy (NOE) implied in each sector. Therefore, this study has resorted to the estimations for the City of Buenos Aires, which replicate the methodology used by National Accounts and the international recommendations on the subject, in order to obtain the adjustment coefficients by sectors which arose when estimating the base year 2004 for the Regional Gross Product of the City of Buenos Aires (Wierny et al., 2011).

(f) Lack of information or mismatching of the non-official sources. In many cases, one has access to information of products' physical quantities, which is complex to value in order to obtain economic estimations of the sectors. In other cases there was information with partial coverage.

(g) Copyright Collecting Societies, with some exceptions, do not have statistical information. They do not normally have statistical departments to generate this information in a systematic way.

(h) Information on foreign trade of goods is classified for MERCOSUR with an adaptation of the harmonized system, which has changed during the years. It was necessary to take into account these changes in order to convert information coming from foreign trade for each year to ISIC revision 3.

(i) Information published for the balance of payments concerning copyrights is grouped under the concept of royalties, which includes patents, royalties, licenses and copyrights. Through a special request to INDEC, the disaggregation of copyrights has been obtained for the 2003-2008 period.

Adjustments to the calculation of gross value added (GVA) of some activities by the copyright factor and the statistical correction coefficient.

Given the cross-section or general character of the industries which are partially dependent on copyright and the non-dedicated support industries, and given the existing difficulties of statistical disaggregation to quantify in a precise way the proportion corresponding to copyright in value added and generated employment, it is necessary to estimate the contribution of these industries to the total economy.

In order to reduce the risks of overestimation, following the methodology of WIPO (2003), a copyright factor is applied to the value added and generated employment, which represents the specific weight of those activities, protected by copyrights in the partially dependent and in the non-dedicated support industries.

In this sense, and according to WIPO 2003, the CBIs of core or interdependent industries do not require any adjustment once the GVA and employment have been estimated, given that their contribution to copyright based activities is 100%. On the contrary, the activities included in the groups of partially dependent and non-dedicated support industries have a weight in the total of the economic activity.

However, in this study, and for strictly statistical reasons -the lack of access to the microdata of the economic census necessitated the use of data available at a higher level of aggregation; it was necessary to apply the statistical correction coefficient also in some core and interdependent activities, because the grouping published by the census contained activities which were not protected by copyright.

Adjustment to GVA calculations of some activities by statistical correction.

1. For core CBIs, statistical correction coefficients have been estimated in the following activities:
Publishing: In this activity the census also included the publishing of brochures and personal cards and other commercial printed materials; they were excluded.

Printing: In this sector large firms – many of which provide services to the publishing industry – coexist with small and medium ones. In many cases the latter are informal and engaged in printing articles (brochures and other printed material) not protected by copyright. A coefficient has been

applied which reflects the contribution of products protected by copyright in the total of the activities' products.

Retail sales of recorded music: According to the grouping of the census this activity also includes the retail sales of musical instruments and sound equipment, both of which belong to the interdependent industries category. For this reason, only part of this activity (0.39%) is assigned to the core industries for the sales of recorded music and the rest is left in the interdependent industries.

Photography: The census includes the outlets engaged in developing photographs for the final consumer only. For this reason, a coefficient was applied to exclude them.

Translators: In the census, translators are grouped with other services to the firms, which include administrative activities and call centers, among others. A coefficient has been estimated based on translators' participation in the total activity. Given the informal aspect of the activity and that many translators work freelance, it is probable that the census has under-captured them

Copyright collecting societies: In the census, this activity is grouped with professional associations. A coefficient has been estimated from information provided by these organizations with respect to the total of the activity.

2. For the interdependent CBIs, statistical correction coefficients have been estimated for the following activities:

Manufacturing of cellulose paste, paper and cardboard: Part of the activity (toilet paper, bags, etc.) is not associated with activities which generate copyright. For this reason, from information provided by the Argentinean Association of Paper and Cardboard Manufacturers, the proportion of production of printing paper in the total has been estimated and this correction coefficient has been applied to the census values (38%).

Likewise, not all the paper for printing is used for protected products. Therefore, given that in the (core) printing activity a coefficient was obtained which represented the proportion corresponding to printing of products protected by copyright, excluding general brochures and other non-protected products, this coefficient has been also applied to the figures obtained for the printing paper.

Manufacturing of photography and cinematography instruments: In the census, this activity is grouped with optical instruments, where the majority of firms correspond to this latter activity because majority of photographic and cinematographic instruments are imported. Therefore a coefficient has been estimated which reflects only the national production of these products.

Manufacturing of musical instruments: This activity is grouped with jewelry, sports articles, games and toys. Some of these products are in Category 3, industries which are partially dependent. Thus, the share of manufacturing of musical instruments has been estimated; it is really small due to the fact that the majority of these products are imported.

Wholesale of photographic and cinematographic instruments: Once again, in the census this activity is grouped with the sale of optical instruments. Therefore, a coefficient has been estimated to reflect the sales of these products. This coefficient does not coincide with that estimated for manufacturing, because in the case of sales the origin of goods, national or imported, does not matter both generate margins.

Wholesale of paper: The same coefficient as that for manufacturing is applied.

Wholesale of software, computers and equipment: In the census, sales of software are grouped with those of equipment. Therefore, given that the latter are the major part, they were both left in Category 2.

This activity also includes control and security groups. A coefficient has been estimated to exclude them.

Retail sale of non-recorded material, musical instruments, televisions, radios, video recorders, CD players, DVD players, cassette players, electronic games consoles and other similar equipment: This activity includes the retail sale of recorded music, which is included in the core industries. Therefore, the statistical correction coefficient is applied.

Retail sale of photographic and cinematographic instruments: The same correction coefficient as for wholesale sales is used.

Retail sale of paper: The same coefficient as for production and wholesale is used.

Renting of photographic and cinematographic instruments: In the census, the renting of these products is grouped with the renting of agricultural and construction machinery. There is no disaggregation by product but, given the magnitude of the latter, it was eliminated from the category.

Renting of televisions, radios, video recorders, CD players, DVD players, cassette players, electronic games consoles and other similar equipment: In the census, this activity includes all personal belongings, therefore the correction coefficient is applied.

Adjustments to the calculation of GVA in some activities by the 'copyright factor'

For partial CBIs, adjustment factors from the WIPO's Colombian study have been applied (based, in turn, in the study for Hungary by Penygey and Munkácsi, 2005).

For the case of architectural services, a factor that would only take into account design activity and the architectonic project was applied. In the census, architects and engineers are grouped together. However, the census did a special survey for the professional services, where the number of active licenses was reported by profession and the value of production and the value added were estimated by profession. Therefore, a first stage consisted of separating, in the published figures, those corresponding to architectural services, considering the participation of architects according to licenses and value added (which are similar: 64% and 65% respectively) in the aggregate of architects and engineers. WIPO (2008), *The Economic Contribution of Copyright-Based Industries in Colombia* and *The Economic Contribution of Copyright-Based Industries in Argentina*.

Afterwards, inquiries were made from architecture studios, which provided information about the participation of the project and design component in the total cost of a building. It is estimated that fees for architects amount on average to 10% to 12% of a building project budget. From the total of architectonic services activity, it is estimated that 60% corresponds to the project (including the preliminary sketches, drafts, execution documents and building plans), and the other 40% corresponds to building management.

For the non-dedicated support industries (trade, transport, post and telecommunications) the correction factor was estimated using the procedure described in the study of Colombia, based on the input-output matrices' coefficients. In the case of Argentina the latest input-output matrix was built for 1997. This method estimates the proportion of trade, transportation, post and telecommunications used by the industries classified as core and interdependent in the total production of trade and in the total production of transportation, post and telecommunications.

Adjustments to GVA due to the inclusion of the non-observed economy (NOE)

Traditionally, in Argentina, the employment estimation coming from socio-demographic sources gives significantly higher levels than those coming from economic sources. These differences, which demonstrate the existence of the non-registered economy, can be attributed to the under-declaration of outlets participating in the census as well as to the under-capturing of outlets.

In many cases, given the intrinsic characteristics of certain activities, there are difficulties in capturing them from an economic census whose main procedure for data collection is geographical sampling.

For this reason, even since the base year 1986, the National Accounts of Argentina incorporate the non-observed economy, trying to achieve the exhaustiveness in GDP measurement which is recommended by the System of National Accounts (SNA93)

The method for incorporating the non-registered economy consists, briefly, in comparing jobs that come from the economic sources to those coming from the socio-demographic sources. From this comparison, the missing jobs are determined and finally imputations are done, by employment category and by strata, of the missing values of production, intermediate consumption and value added.

This estimation methodology of the non-observed economy is called 'method through employment' or the 'Italian method', and is recommended in the Manual for measurement of the non-observed economy (OECD, IMF& ILO, 2002).

Given that in order to evaluate the importance of CBI in a country, one of the indicators used is their weight in the value added of the total economy or GDP, and given that GDP includes the non-registered economy, it is relevant to incorporate it in the estimations of CBIs, because otherwise one would be underestimating their participation.

In order to incorporate the adjustment of the NOE in the CBIs, given that National Accounts has not yet done the estimation for the base year 2004 as was foreseen, estimations made by some provinces are used, and mainly those made by Buenos Aires City for the base year 2004 and the estimations of the NOE for that year by activity sector. These estimations replicate the methodology used by National Accounts to incorporate the NOE in the estimations of the base year (Wierny et al., 2011). From these studies, the adjustment coefficients have been obtained for the value of production, value added, wage-earners and non-wage-earners for each activity. This adjustment increased the value added generated by CBIs by 17% approximately, the adjustment for core industries being 20%, 10% in the interdependent industries, 17 % in the partially dependent industries and 5% in the non-dedicated support industries.

Estimation of the 2003-2008 series

In order to estimate the 2003-2008 series, different indicators have been used, the main one being the series of National Accounts at a two-digit level of ISIC.19

Value indices have been calculated, with which the valued of 2003 have been updated.

Likewise, in some sectors where there has been information provided by CEDEM or other agencies, the variations have been checked from the different sources available.

On the other hand, estimation at constant prices has been made applying the variations that arise from the two digits of national accounts to the levels obtained for this study for 2003.

This estimation is an approximation, because the constant prices of national accounts have 1993 as their base year.

Has there been any empirical research in your country showing who benefits economically from copyright and related rights protection? If yes, please summarize the results and the methodology used.

The study quoted in the previous question covers the answer of the present question to individualize / discriminate by specific sectors.

Individual and collective licensing as a means of improving the functioning and acceptance of copyright and related rights

Is there a wide-spread culture of collective management of copyright and related rights in your country, or is it limited to the 'core' areas of musical performing rights and reprography rights? Please describe the areas where collective management is used.

Argentina has vast experience in the collective management of copyright and related rights. The effort of the collective societies has helped to install the awareness of the respect for the rights already mentioned. After some disparate results and efforts, in 1910 the first copyright management company was created for authors of dramatic works (currently ARGENTORES). The authors of musical works began their first steps in 1918 and in 1936 organized SADAIC. While related rights management is later, in the 30s' it took its first steps by pacing the importance that had acquired the copyright in the Argentina society. The prestige enjoyed by the authors and performers allowed collective management to be extended to various types of works and activities. Dramatic authors, musical authors, musicians, actors, film director among others enjoy collective societies.

Are there legislative provisions in your national law aiming at facilitating the management of copyright and related rights? If yes, please summarize.

In the case of literary and dramatic authors (writers, screenwriters, scriptwriters for radio and television, etc.), the collection of rights is managed by the [General Society of Authors of Argentina](#) (ARGENTORES, Sociedad General de Autores de la Argentina) comes from 1910 and was recognized by Act No. 20,115 in 1973 (Regulatory Decree No. 461/73) as a private, cultural non-profit association, with exclusive management rights of authors of the aforementioned genres, both national and foreign.

In 1936 was organized, the [Argentine Society of Music Authors and Composers](#) (SADAIC, Sociedad Argentina de Autores y Compositores de Música). Its purpose was to collect copyright from the public reproduction of musical works included in its repertoire. This CS was granted legal recognition by Act No. 17,648 (Regulatory Decree No. 5146/69) as a private, cultural non-profit association, with exclusive management rights of creators of music, both national and foreign. By Decrees No. 1,670 and 1,671/74, the [Argentine Association of Performers](#) (AADI, Asociación Argentina de Intérpretes) manages the representation of musical performers, while the [Argentine Chamber of Phonogram and videogram producers](#) (CAPIF, Cámara Argentina de Productores de Fonogramas y Videogramas) carries out a similar function regarding phonogram producers. The Society of Argentine Visual Artists (SAVA, Sociedad de Artistas Visuales Argentinos) is the CS responsible for the collective management of authors' rights on visual works (photographers, painters, sculptors, cartoonists, etc.).

For its part, the [Center for Reproduction Rights Management](#) (CADRA, Centro de Administración de Derechos Reprográficos) is a non-profit association focused on the defense of copyright against the phenomenon of reprography and collects fees for that activity, representing authors and publishers of books and periodicals.

(Note: this CS does not have exclusivity in the management of these rights, but in fact is the only institution acting in the matter).

Finally, in the audio-visual industry, the purpose of the [Argentine Society for Management of Performing Actors](#) (SAGAI, Sociedad Argentina de Gestión de Actores Intérpretes), established by

Decree 1,914/06, is the management of intellectual property rights of artists in this industry (actors, dancers, voice actors).

[Argentine Film Directors](#) (DAC, Directores Argentinos Cinematográficos) is a CS set up in 1958, but it was not until 1999 when, by Decree No. 124/09, it was recognized as the only representative body for collection and distribution of copyright of national and foreign directors of films and audio-visual works throughout the territory of the Argentine Republic.

Which models for limitations and exceptions have been implemented in your national law? Such as free use, statutory licensing, compulsory licensing, obligatory collective management, extended collective management, other models? Please provide a general overview.

Our copyright Act, in general, has limitations according to its time, and in some point an update may be considered necessary, in order to harmonize with new ways of using the works. Basically there are two types of limitations in our law 11.723 / 33: free uses of works and non-voluntary licenses.

Free uses of works:

- Quotation, art. 10: In the ordinary sense of this exception (according to Berne Convention, although with a development less full and flexible because the Argentinean law establishes a measure: “[...] 1,000 words for literary or scientific works, or eight bars in musical works and, in all cases, only the parts of the text essential for that purpose”.

- Use for information, art. 27.

- The news of the day, art. 28 (according to Berne Convention).

- Limitations to the right of public performance, art. 36, § 2 and 3.

[...] shall be lawful and shall be exempt from payment of copyright and performers provided for in Article 56, representation, performance and recitation of published literary or artistic works, in public events organized by educational establishments, linked in the fulfillment of their educational purposes, plans and programs of study, provided that the show is not broadcast outside the place where it is performed and the attendance and performance of the performers is free.

They will also enjoy the exemption of the payment of the copyright referred to in the previous paragraph, the performance or interpretation of musical pieces in concerts, auditions and public performances by orchestras, bands, fanfares, choirs and other musical bodies belonging to institutions of the National State, of the provinces or of the municipalities, provided that the attendance of public to them is free of charge.

- Limitation on reproduction and distribution rights. Persons Who Are Blind or Visually Impaired, art. 36 § 4, 5 y 6.

Reproduction and distribution of scientific or literary works in special systems for the blind and persons with other perceptual disabilities is exempted from the payment of copyright, provided that the reproduction and distribution are made by authorized entities

This exemption also applies to works that are distributed electronically, encrypted or protected by any other system that prevents their reading to unauthorized persons. The authorized entities will assign and manage the access keys to the protected works.

The exemption will not be applied for the reproduction and distribution of works that have been originally edited in special systems for persons with visual or perceptual disabilities and that are commercially available.

- Copy of safeguard of the original copy of a computer program art. 9 § 1 and 2.

A single backup copy is permitted for that software on physical media. This impractical exception must be made by a technical/computer graduate and be used in case of loss or ruin of the original software.

Non-voluntary licenses.

- Compulsory license due to inaction of heirs and beneficiaries, art. 6.

The heirs or successors may not oppose that third parties re-publish the works of the author when they leave more than ten years without their publication.

Neither can oppose the heirs or successors to third parties to translate the works of the author after ten years of his death.

In these cases, if there is no agreement between the publisher and the heirs or successors in respect of printing conditions or pecuniary remuneration, both shall be fixed by arbitrators.

- Legal license, UCC article V, regulated by the Decree 1,155/58.