



## **Profacts survey on photocopies and print-outs on the Belgian territory**

### **2016 update of the 2013 survey results (after filtering out illegal reproductions of copyright works and reproductions of sheet music)**

#### **A. Introduction**

In 2013, Profacts published the results of a large-scale survey on photocopies and print-outs on the Belgian territory<sup>i</sup>. At the request of Repobel, Profacts has updated, in March 2016, the 2013 survey results in view of a recent ruling of the Court of Justice of the EU (*Hewlett Packard Belgium, C-572/13*).

#### **B. Scope of the update**

Profacts was asked by Repobel, in February 2016, to filter out both illegal reproductions and reproductions of sheet music from the results of the 2013 survey.

This update has affected the 2013 survey results, but only insofar (1) the % of reproductions (photocopies, print-outs and photocopies/print-outs combined) of *copyright works*, (2) the volume of reproductions of *copyright works* and (3) the sectoral breakdown of reproductions of *copyright works*, are concerned.

As a result, the 2013 survey results have not been affected for (1) the overall volume of reproductions on paper (copyright works and not-copyright works combined; photocopies, print-outs and photocopies/print-outs combined) – which was based on a CATI/CAWI<sup>ii</sup> enquiry and not on diaries filled out by respondents (cf. below, C.: methodology) – and (2) for the separate sections with survey results on “organisations” (i.e. number of devices and reproduction/reprography budgets). Further, the (3) extrapolation method used in 2013 – as described in the initial report – was used in 2016 too. The same is true for other elements of the initial report, such as (4) the qualification of a work as copyright protected or not.



### **C. Methodology used for the update / filtering**

*Illegal reproductions* - Reprobel has explained that illegal reproductions are to be understood as reproductions outside the scope of the reprography exception(s) to copyright. The current Belgian legal framework with regard to reprography limits reproductions of notably *books* under the legal licence to a “short fragment” thereof. In view of national and international benchmarks / best practices, it was decided that a cap of 10% of the source work (in terms of its overall number of pages) can be used to determine the upper limit of a “short fragment” under the Belgian reprography legal licence.

Reprobel has provided Profacts with the *average* length of different types of books (literary, educational, scientific ...), on the basis of available market data for both language groups in Belgium. The average length of said types of books was estimated at 272 pages for literary fiction works, 78 pages for comic books; 230 pages for literary non-fiction works; 277 pages for educational/scientific works and 250 pages for other books.

Therefore, any reprographic reproduction on paper of more than one tenth of the average number of pages listed above for the different types of books, was considered by Profacts as to be partly illegal, i.e. for the part of the individual reproduction act exceeding the limits above in terms of the actual number of pages reproduced from the source work.

Since the estimation of the volume of reproductions on paper of copyright works in the 2013 survey was based on 1,529 diaries and 16,182 individual diary entries/lines – and therefore on a very robust statistical sample – and since respondents have indicated, for each diary entry/line and therefore for each individual reproduction act, the *category* and the *support* of the source work, as well as the number of pages reproduced from the source work and the number of reproductions (in terms of the paper output of the reproduction act), this has allowed Profacts to filter out illegal reproductions with a high degree of accuracy. Further, and to be on the safe side, Profacts has decided not to just filter out the part of the reproduction act exceeding the short fragment<sup>iii</sup>, but to filter out the whole individual reproduction act as such (by simply scrapping the line from the diary) each time that the “short fragment” cap was exceeded for a given individual reproduction act.

Note: Profacts didn't filter out reproductions on paper (photocopies, print-outs and photocopies/print-outs combined) from an illegal source. On the basis of the methodology used in 2013, it was and is impossible to filter out such reproductions, both from the CATI/CAWI and from the diary part of the survey, also in view of the limited timeframe for the 2016 update. Further, Reprobel has explained that said reproductions are likely to be limited in the text & image sector.



*Sheet music* - Reprobel has explained that, for the purposes of the 2016 survey update, sheet music is to be understood "*sensu stricto*", i.e. as a graphic publication of one or more musical works as such, exclusively consisting of music annotations. Methodologically, Profacts has filtered out - in the diaries and per individual diary entry/line - any reproduction act for which it was indicated, both at the level of the category of work and at the level of the support, that sheet music was reproduced. Therefore, for example, a reproduction of lyrics or of a note bar in an *educational* or *scientific* work, was not considered to be a reproduction of sheet music, since the source work doesn't consist exclusively of music annotations.

#### **D. Overview of 2016 Profacts survey update findings (reproductions on paper of copyright works)**

##### ***D.1. Overall results***

	Volume of reproductions on paper (photocopies and print-outs; copyright and not-copyright works combined)	% reproductions on paper of copyright works (CW)	Volume of reproductions on paper of CW	Sectoral breakdown in % (reproductions on paper of CW)	Sectoral breakdown in % (reproductions on paper of CW) – professional sectors only
<b>Overall</b>	27,122,633,130	<b>13.66%</b>	<b>3,704,377,579</b>	100%	100%
<i>Of which:</i>					
<b>Education</b>	3,943,630,857	<b>13.97%</b>	<b>550,958,958</b>	15.28%	25.24%
<b>Government</b>	2,554,952,041	<b>17.02%</b>	<b>434,794,335</b>	11.34%	19.92%
<b>Public libraries</b>	5,424,527	<b>18.10%</b>	<b>982,012</b>	0.03%	0.04%
<b>Private sector (including copy-shops)</b>	15,487,023,517	<b>7.72%</b>	<b>1,195,823,794</b>	32.31%	54.79%
<b>Home environment</b>	5,131,602,188	<b>29.66%</b>	<b>1,521,818,481</b>	41.05%	-

## D.2. Results for photocopies only

	Volume of reproductions on paper (photocopies; copyright and not-copyright works combined)	% reproductions on paper of copyright works (CW)	Volume of reproductions on paper of CW	Sectoral breakdown in % (reproductions on paper of CW)	Sectoral breakdown in % (reproductions on paper of CW) – professional sectors only
<b>Overall</b>	10,481,125,778	<b>12.83%</b>	<b>1,344,611,837</b>	100%	100%
<i>Of which:</i>					
<b>Education</b>	2,625,031,502	<b>15.31%</b>	<b>401,892,323</b>	29.89%	39.34%
<b>Government</b>	1,104,013,249	<b>24.72%</b>	<b>272,912,075</b>	20.30%	26.71%
<b>Public libraries</b>	4,000,048	<b>24.55%</b>	<b>982,012</b>	0.07%	0.10%
<b>Private sector (including copy-shops)</b>	5,063,060,759	<b>6.83%</b>	<b>345,807,051</b>	25.72%	33.85%
<b>Home environment</b>	1,685,020,221	<b>19.17%</b>	<b>323,018,376</b>	24.02%	-

## D.3. Results for print-outs only

	Volume of reproductions on paper (print-outs; copyright and not-copyright works combined)	% reproductions on paper of copyright works (CW)	Volume of reproductions on paper of CW	Sectoral breakdown in % (reproductions on paper of CW)	Sectoral breakdown in % (reproductions on paper of CW) – professional sectors only
<b>Overall</b>	16,641,507,352	<b>14.18%</b>	<b>2,359,765,743</b>	100%	100%
<i>Of which:</i>					
<b>Education</b>	1,318,007,382	<b>11.31%</b>	<b>149,066,635</b>	6,32%	12.84%
<b>Government</b>	1,454,467,743	<b>11.13%</b>	<b>161,882,260</b>	6,86%	13.94%
<b>Public libraries</b>	1,664,151	<b>0%</b>	<b>0</b>	0.00%	0%
<b>Private sector (including copy-shops)</b>	10,417,583,602	<b>8.16%</b>	<b>850,016,743</b>	36,02%	73.22%
<b>Home environment</b>	3,449,784,474	<b>34.75%</b>	<b>1,198,800,105</b>	50,80%	-

## E. Conclusions

**E.1. Volume of reproductions on paper of copyright works** - As a result of the 2016 update/filtering, the annual volume of reproductions on paper (photocopies and print-outs combined) of copyright works has decreased from 4.57 billion in 2013 to **3.7 billion** in 2016. In terms of photocopies of copyright works only, the annual volume has decreased from 1.91



billion in 2013 to **1.34 billion** in the 2016 update. In terms of print-outs of copyright works only, the 2016 update shows an annual volume of **2.36 billion**, compared to an initial volume of 2.66 billion in 2013.

**E.2. Percentage of reproductions on paper of copyright works** - The percentage of reproductions on paper (photocopies and print-outs combined) of copyright works has decreased from 16.85 % in 2013 to **13.66 %** in 2016. In terms of photocopies of copyright works only, the percentage of copyright works in the 2016 update is **12.83%**, compared to 18.25% in 2013. In terms of print-outs of copyright works only, the percentage of copyright works in the 2016 update is **14.18%**, compared to 15.96% in 2013.

**E.3. Sector breakdown (reproduction on paper of copyright works)** - The sectoral breakdown for reproductions on paper of copyright works (photocopies and print-outs combined), shows that the overall share of the educational sector is down 4.8% point compared to 2013 (from 20.1% in 2013 to 15.3% in 2016). The opposite is true for the share of the home environment in the overall CW reproduction volume: up 3.4% point compared to 2013 (from 37.7% in 2013 to 41.1% in 2016). The changes for other sectors are less outspoken, though the share of the private sector is also up 2.3% point (from 30% in 2013 to 32.3% in 2016).

When one looks at photocopies of CW only, the share of the educational sector is down 3.3% point (from 33.2% in 2013 to 29.9% in 2016), whereas the share of the home environment is up 1.4% point (from 22.6% in 2013 to 24% in 2016) and the share of the private sector is also up 1.9% point (from 23.8% to 25.7% in 2016).

As for print-outs of CW only, the share of the educational sector is down 4.4% point compared to 2013 (from 10.7% in 2013 to 6.3% in 2016), whereas both the home environment and the private sector have a slightly higher share than in 2013 (home environment: up 2.2% point, from 48.6% to 50.8%; private sector: up 1.5% point, from 34.5% to 36%).

These findings indicate that the filtering out of illegal reproductions<sup>iv</sup> had a higher impact on the educational sector than on other sectors. This impact can be found for both overall reproductions on paper of copyright works and across photocopies and print-outs thereof (taken separately).



On behalf of Profacts,

Timothy Desmet

Managing partner Profacts

Eke, 1 April 2016.

---

<sup>i</sup> *Grootschalig onderzoek naar het fotokopiëren en printen in België / Grande enquête sur les photocopies et les impressions en Belgique*, Profacts, 2013.

<sup>ii</sup> CATI: *Computer-Assisted Telephones Interviewing* – CAWI: *Computer Aided Web Interviewing*. These two means of enquiry relied, in essence, on the memory of respondents and were used, in the 2013 survey, to determine to overall volume of reproductions on paper (*copyright works and not-copyright works combined*).

<sup>iii</sup> E.g. in case of a reproduction of a literary fiction work of on average 272 pages, a reproduction of 150 pages of such a book – as indicated in the diary line - would exceed the short fragment criterion (cap: 10% of 272 pages = 27 pages) by 123 pages. One could filter out just this exceeding part (exceeding number of pages (123) from the source work times the number of reproductions made), but one could also – as has been done by Profacts to be on the safe side – just scrap the whole reproduction act from the survey extrapolation, thus not only filtering out the exceeding part of the individual reproduction act but also filtering out the (legal) part of the reproduction act below the short fragment cap of 27 pages.

<sup>iv</sup> The filtering out of sheet music had a *marginal* impact on the 2013 survey findings: minus 0,1% for reproductions on paper of CW overall, minus 0,1% for photocopies of CW and minus 0,01% for print-outs of CW.