

CPRRA

Center for Performers' Rights Administration



To Protect and Make Better Known Performers' Rights and Interests, and Support Their Creative Activities

The advancement of digital network-oriented society has brought about diversification of communication media, together with the ever expanding secondary use of performances deriving from intellectual creative activities by performers. To bring together persons having performers' rights under the Copyright Law, facilitate appropriate handling of rights management activities increasing in volume and diversity, and strengthen initiatives to address pending problems, the Center for Performers' Rights Administration (CPRA) was established in October 1993 through the cooperation of three organizations including the Japan Council of Performers' Organizations (commonly known as Geidankyo), the Japan Association of Music Enterprises (JAME) and the Federation of Music Producers Japan (FMP).

In December 1998, it was decided to strengthen the organizational aspect of CPRA administration by further tightening the cooperative links of the three participating bodies with “independence, professionalism and transparency” as three guiding concepts, and two more organizations including Music People's Nest (MPN) and Performers' Rights Entrustment (PRE) joined CPRA.

At present, CPRA is committed to the management of performers' rights pertaining to music and audiovisual arts including Geidankyo's activities designated by the Commissioner of the Agency for Cultural Affairs and distribution of fees, remunerations and compensations entrusted by such designated management bodies as the Society for the Administration of Remuneration for Audio Home Recording (sarah) and the Society for the Administration of Remuneration for Video Home Recording (SARVH).

Other activities by CPRA include participation in the institution of international norms regarding performers' rights, cooperation with international organizations, campaigning including education and promotional projects, dissemination of information regarding neighboring rights, administration of the common-purpose fund, research, tying up and collaborating with foreign organizations for the management of performers' rights. All these activities are intended to protect and expand performers' rights.

Organizations Constituting CPRA

The following three bodies established and are running CPRA.

Japan Council of Performers' Organizations

GEIDANKYO

Established in 1965, Geidankyo was authorized in May 1967 by the Ministry of Education to incorporate itself as a non-profit juridical entity. It is a private non-profit organization composed of organizations whose constituents are performers including actors, singers, musicians, dancers, entertainers, theatrical art directors and stage managers. With the common aim of contributing to the development of performing arts and culture, 71 regular member-organizations now constitute Geidankyo. Its main activities include the operation of the Center for Performers' Rights Administration (CPRA), administration of welfare schemes including the Performers' Pension and Mutual Aid System and Geino Kadensha*¹ utilizing a disused school building in Shinjuku, Tokyo, various research projects regarding performing arts, proposition of public policies, collection and transmission of information, and educational/training programs, all intended to promote performing arts. MPN*² and PRE*³ are now taking part in the operation of CPRA.

<http://www.geidankyo.or.jp/>

*1: Geino Kadensha
<http://www.geidankyo.or.jp/12kaden/>

*2: Music People's Nest (MPN)
<http://www.mpn.jp/>

*3: Performers' Rights Entrustment (PRE)
<http://www.pre.gr.jp/>

Japan Association of Music Enterprises

JAME

In 1963, business enterprises including music productions set up JAME with an eye to contributing to the development and promotion of music enterprises and related business activities. In March 1980, JAME was authorized by the Minister of International Trade and Industry to incorporate itself as a non-profit juridical entity. The association is engaged in research on music business, and protection and management of intellectual property along with exchanges with related organizations in and out of Japan.

<http://www.jame.or.jp/>

The Federation of Music Producers Japan

FMP

Founded in 1986, FMP was authorized in September 1989 by the Ministry of Education to incorporate itself as a non-profit juridical entity. Its membership consists of music productions to which so-called J-Pop artists belong. Endeavoring to protect the artists' neighboring rights and to secure music producers' rights, the federation is engaged in activities to contribute to the development of culture and the enhancement of cultural standards of life. (It has been a full-fledged member of Geidankyo since 2005.)

<http://www.fmp.or.jp/>

Organizational Setup and Operation of CPRA

CPRA's main organizational units are the Advisory Council in which the three constituent bodies are represented and the Executive Committee whose members represent organizations having entrusted CPRA with the authority to exercise the rights of their members on their behalf. The Executive Committee has working groups in various specialized fields as advisory bodies. The members of the Executive Committee and its working groups are elected every two years.

Management of Performers' Rights under Copyright Law

CPRA collects from broadcasters and phonogram rental shops fees for the secondary use of commercial phonograms (commercially available CDs, etc.) in broadcasts and phonogram rental, and royalties and remunerations in connection with the secondary use of broadcast programs. The collected payments are distributed through CPRA member-organizations to the holders of rights the exercise of which is entrusted to CPRA.

Collection and Distribution by Center for Performers' Rights Administration (CPRA)



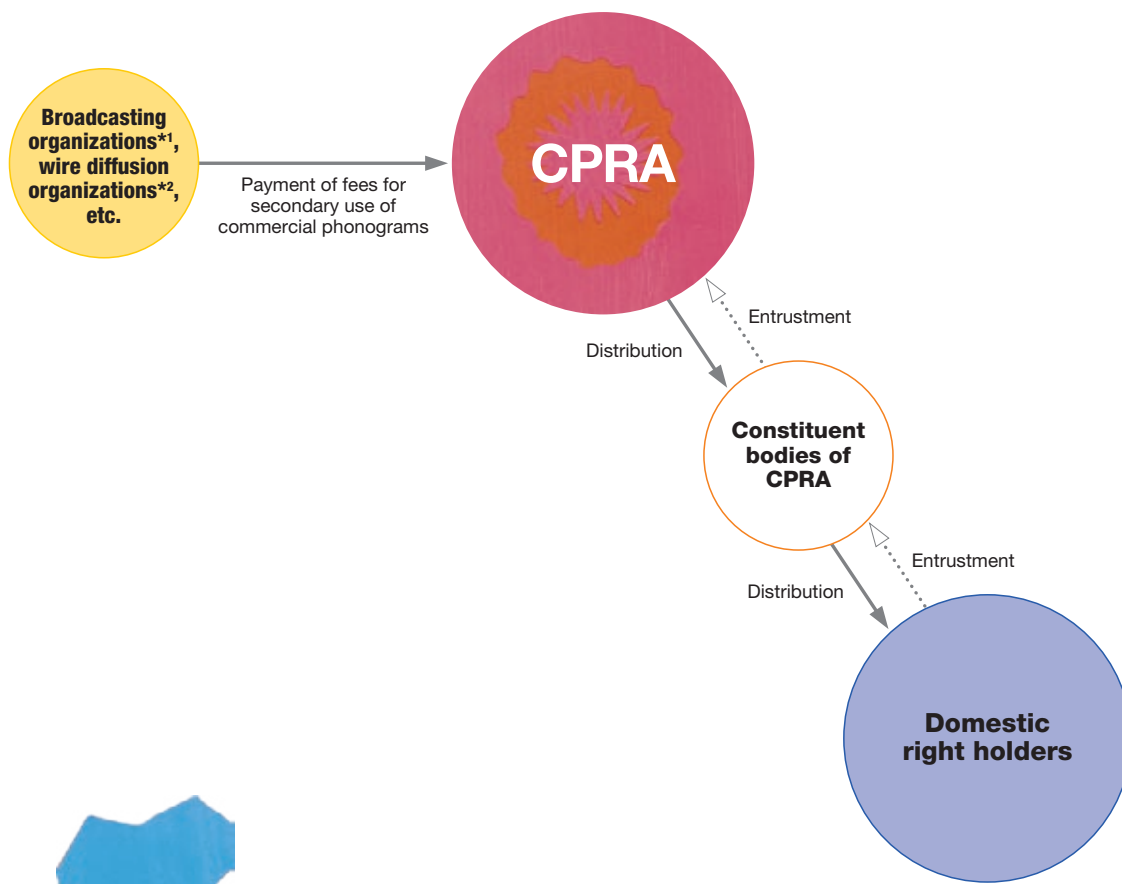
*1: Japan Broadcasting Corporation (NHK), National Association of Commercial Broadcasters in Japan (NAB-Japan), community broadcasters, FM broadcasters, etc.
 *2: USEN, CATV, etc.

Activities designated by the Commissioner of the Agency for Cultural Affairs

Collection and Distribution of Secondary Use Fees for Commercial Phonograms pertaining to Performers

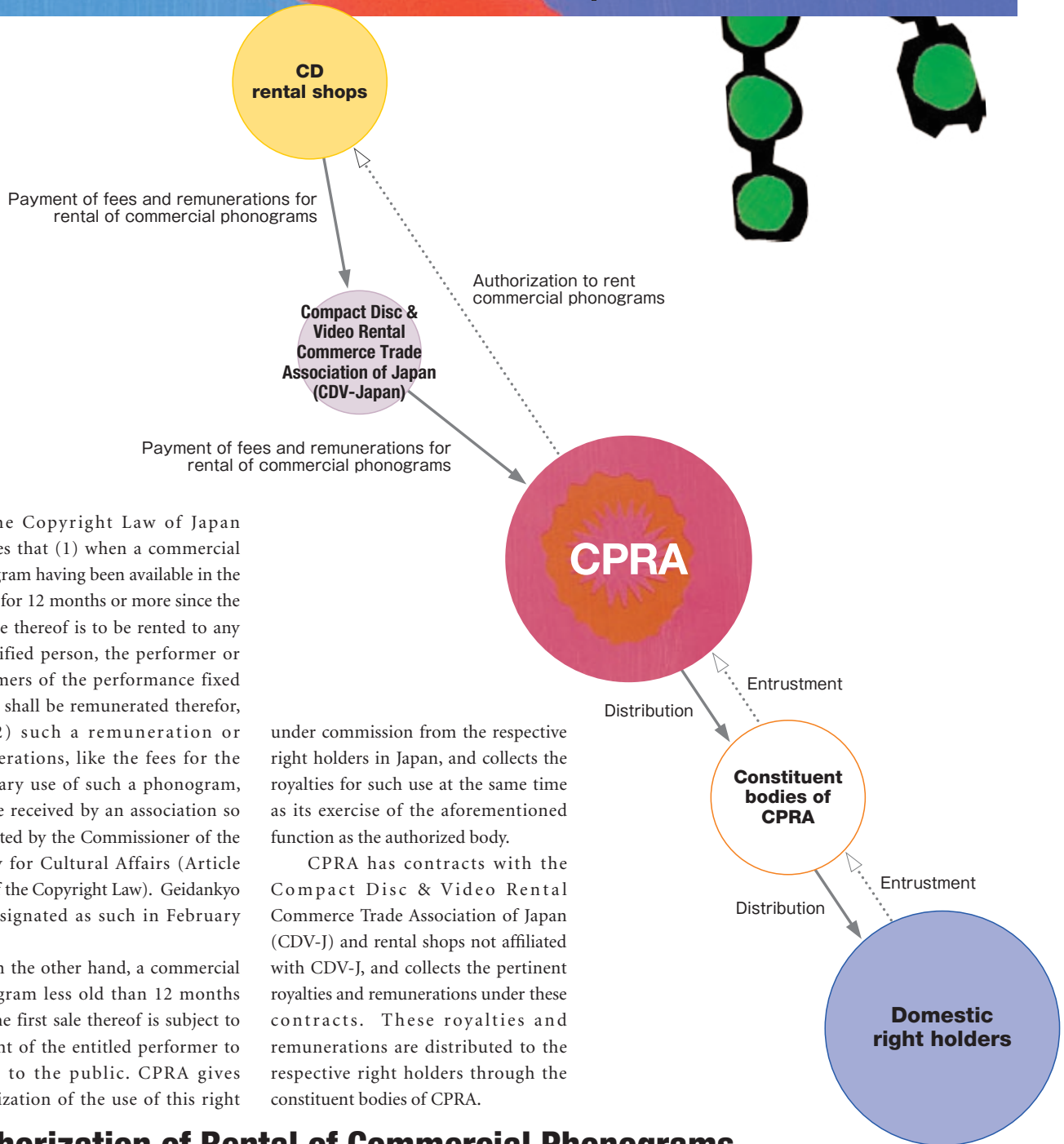
The Copyright Law of Japan provides that (1) when a broadcasting organization or a wire diffusion organization has broadcast or diffused by wire any commercial phonogram in which any performance is recorded, the organization shall pay a secondary use fee to the performer or performers of such performance or performances, and (2) the Commissioner of the Agency for Cultural Affairs may designate an association composed of a considerable number of performers in Japan or a federation of such associations and authorize only such an association or a federation to receive such secondary use fees (Article 95 of the Copyright Law).

As the body authorized to receive fees for the secondary use of commercial phonograms on behalf of performers, Geidankyo was designated by the Commissioner in March 1971. Under this designation, CPRA makes annual agreements with NHK, the National Association of Commercial Broadcasters in Japan and operators of wire diffusion and so forth regarding the sums of such secondary use fees, and collects the agreed sums. The fees so collected are distributed to entitled right holders through one or another of the constituent bodies of CPRA.



*1: Japan Broadcasting Corporation (NHK), National Association of Commercial Broadcasters in Japan (NAB-Japan), community broadcasters, FM broadcasters, etc.
*2: USEN, CATV, etc.

Activities designated by the Commissioner of the Agency for Cultural Affairs



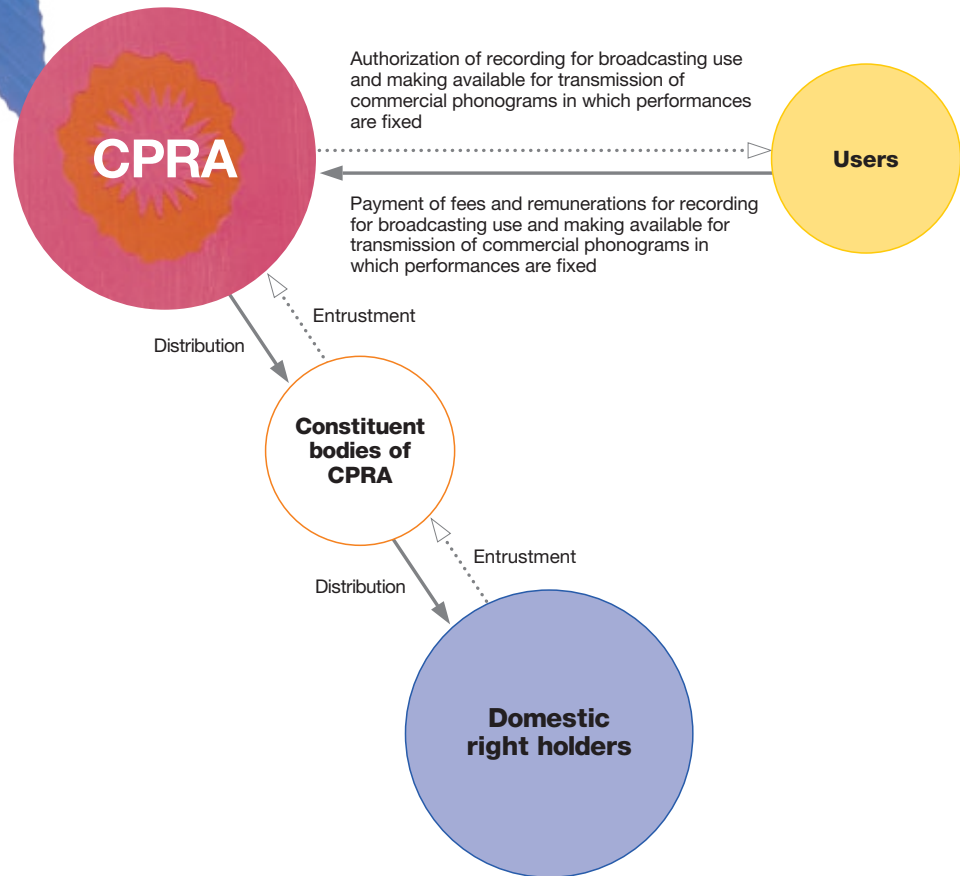
The Copyright Law of Japan provides that (1) when a commercial phonogram having been available in the market for 12 months or more since the first sale thereof is to be rented to any unspecified person, the performer or performers of the performance fixed therein shall be remunerated therefor, and (2) such a remuneration or remunerations, like the fees for the secondary use of such a phonogram, shall be received by an association so designated by the Commissioner of the Agency for Cultural Affairs (Article 95ter of the Copyright Law). Geidankyo was designated as such in February 1985.

On the other hand, a commercial phonogram less old than 12 months from the first sale thereof is subject to the right of the entitled performer to rent it to the public. CPRA gives authorization of the use of this right

under commission from the respective right holders in Japan, and collects the royalties for such use at the same time as its exercise of the aforementioned function as the authorized body.

CPRA has contracts with the Compact Disc & Video Rental Commerce Trade Association of Japan (CDV-J) and rental shops not affiliated with CDV-J, and collects the pertinent royalties and remunerations under these contracts. These royalties and remunerations are distributed to the respective right holders through the constituent bodies of CPRA.

Authorization of Rental of Commercial Phonograms pertaining to Performers, and Collection and Distribution of Royalties and Remunerations therefor



Authorization of Recording for Broadcasting Use and Making Available for Transmission of Commercial Phonograms wherein Performances Are Fixed, and Collection and Distribution of Royalties therefor

CPRA, registered with the Commissioner of the Agency for Cultural Affairs as an organization for management of neighboring rights under the Law on Management Business of Copyright and Neighboring Rights (brought into force on October 1, 2001), authorizes broadcasters to record for broadcasting use and making available for transmission performances fixed on commercial phonograms, and collects royalties for such use. The collected fees are distributed to the respective right holders through the constituent bodies of CPRA.

From now on, CPRA will seek from even more performers entrustment of such rights and manage the rights on their behalf regarding the collection and distribution of royalties for the use of commercial phonograms over the Internet.

Activities under the Law on Management Business of Copyright and Neighboring Rights

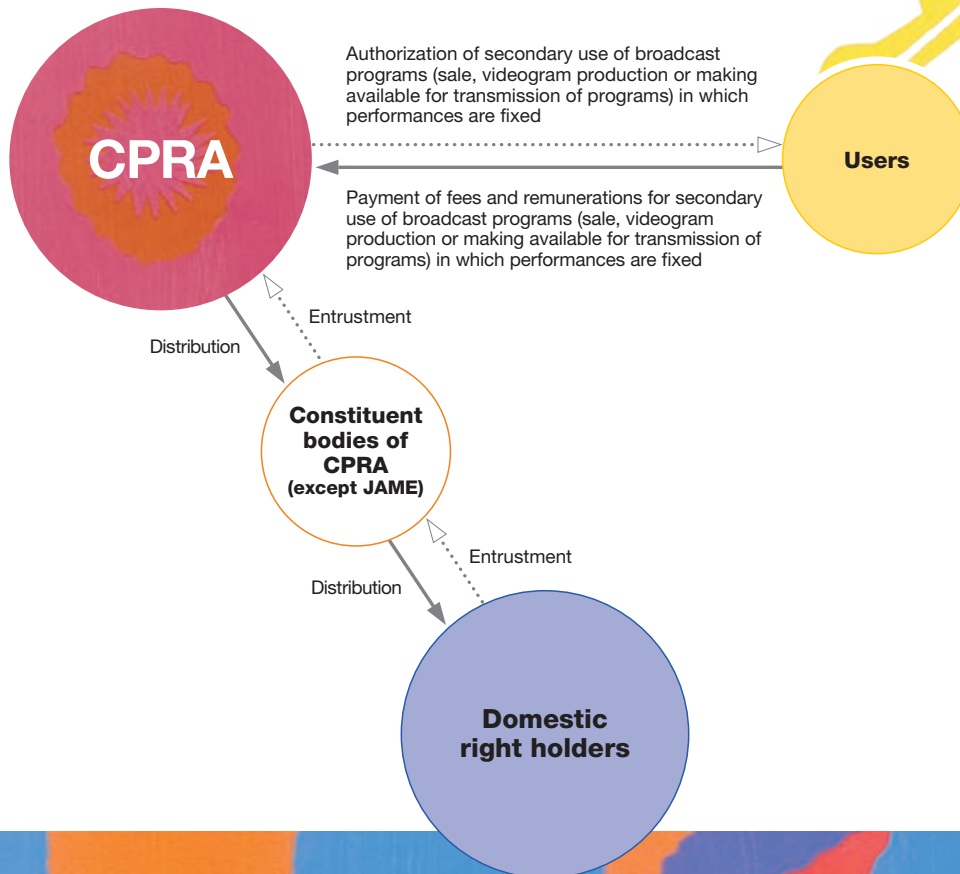
Authorization of Secondary Use of Broadcast Programs (except Performances Fixed on Phonograms), and Collection and Distribution of Royalties therefor

CPRA, as an organization for management of copyright, etc., is engaged in solely entrusted management of rights pertaining to secondary use of broadcast programs.

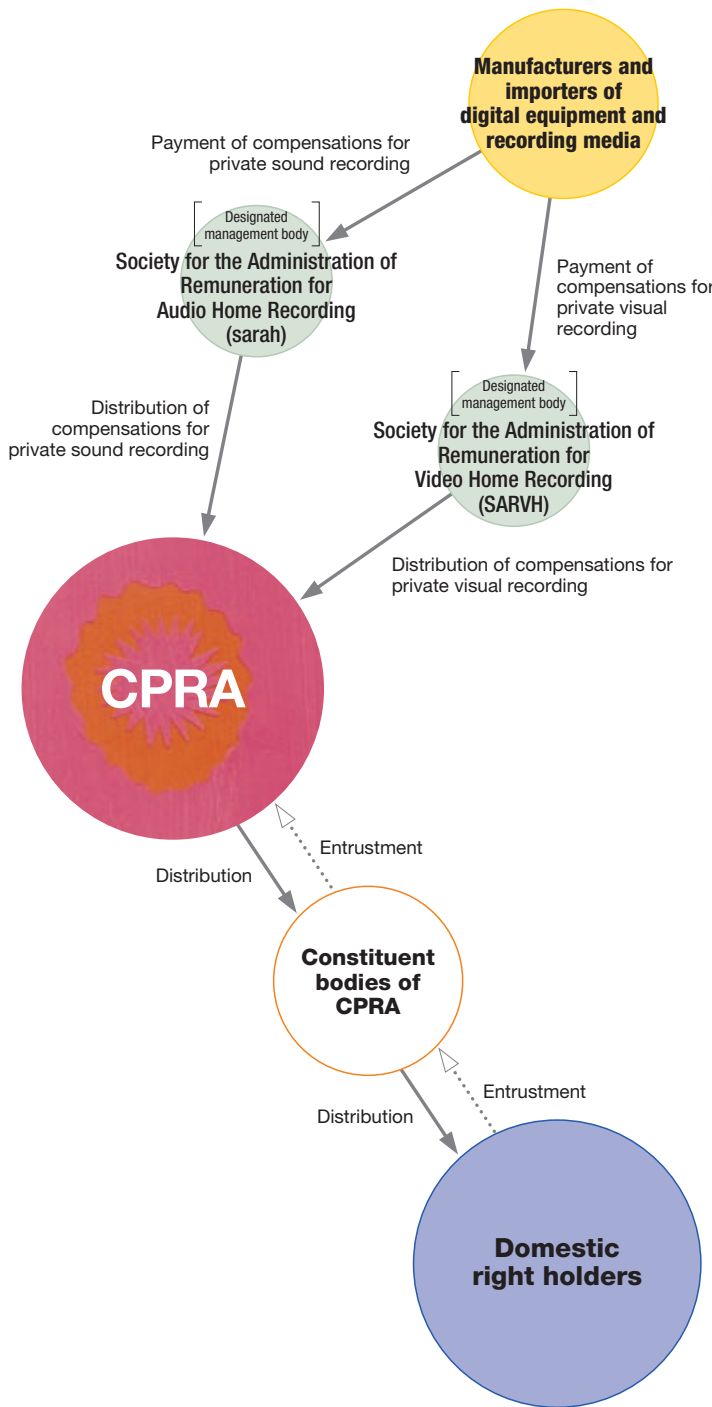
Under entrustment by right holders in Japan, CPRA authorizes, and collects royalties for, secondary use of broadcast programs (sale, videogram production or making available for transmission of programs). The collected royalties are distributed to the respective right holders through the constituent bodies of CPRA.

From now on, CPRA will seek from even more performers entrustment of rights regarding the collection and distribution of compensations for simultaneous retransmission of broadcast programs by IP multicasting and of remunerations for simultaneous retransmission of broadcast programs by wire diffusion.

Note: The Japan Association of Music Enterprises (JAME) does not entrust to CPRA, but takes care for itself of, affairs as mentioned on this page pertaining to its member-performers.



Activities Entrusted by Designated Management Bodies



Distribution of Compensations for Private Sound Recording and Private Visual Recording

When the Copyright Law was partly revised in 1992, the rights of performers and some other parties to receive compensations for sound and visual recording by digital means alone for private use at home were newly recognized. This system of compensating for private audio and visual recording has been implemented since June 1993.

In 1993, three organizations including the Japan Council of Performers’ Organizations (Geidankyo), the Japanese Society for Rights of Authors, Composers and Publishers (JASRAC) and The Recording Industry Association of Japan (RIAJ) set up the Society for the Administration of Remuneration for Audio Home Recording (sarah) as a non-profit juridical entity. As a “designated management body” authorized by the Commissioner of the Agency for Cultural Affairs under the Copyright Law, sarah in June 1993 began collecting compensations for private sound recording and distributing the collected payments to performers (through Geidankyo), authors (through JASRAC) and phonogram producers (through RIAJ). The compensations payable to performers are distributed to the respective right holders by CPRA through the constituent bodies of CPRA.

Regarding private visual recording, Geidankyo, RIAJ and the Video Home Recording Copyright Council (consisting of 12 organizations) in 1999 launched the Society for the Administration of Remuneration for Video Home Recording (SARVH). SARVH was then authorized as a “designated management body” by the Commissioner of the Agency for Cultural Affairs under the Copyright Law, and in July 1999 started collection of compensations for private visual recording and distribution of the collected compensations to performers (through Geidankyo), phonogram producers (through RIAJ) and authors (through the Video Home Recording Copyright Council). The compensations due to performers are distributed to the respective right holders by CPRA through the constituent bodies of CPRA.

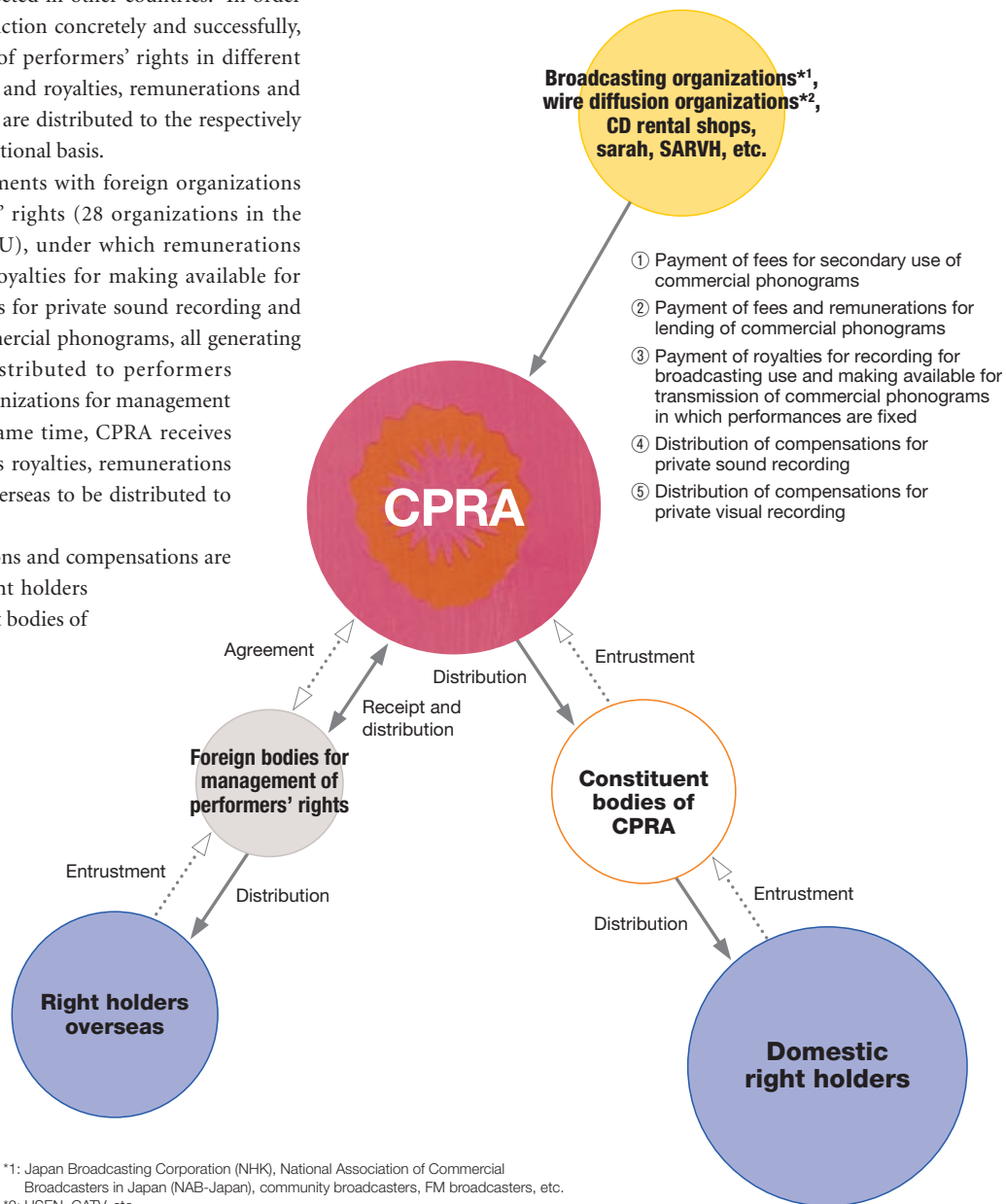
Activities 6

Distribution and Collection to and from Overseas

International conventions to which many countries in the world are signatories provides a framework of international protection of performers' rights. Within this framework, the rights of performers overseas are protected in Japan and, conversely, those of Japanese performers are protected in other countries. In order to enable this mechanism to function concretely and successfully, organizations for management of performers' rights in different countries enter into agreements, and royalties, remunerations and compensations collected by each are distributed to the respectively entitled performers on an international basis.

CPRA also has such agreements with foreign organizations for management of performers' rights (28 organizations in the U.S., South America and the EU), under which remunerations for secondary use and rental, royalties for making available for transmission, and compensations for private sound recording and private visual recording of commercial phonograms, all generating in Japan, are collected and distributed to performers overseas through the foreign organizations for management of performers' rights. At the same time, CPRA receives from these foreign organizations royalties, remunerations and compensations occurring overseas to be distributed to Japanese performers.

These royalties, remunerations and compensations are distributed to the respective right holders by CPRA through the constituent bodies of CPRA.



Protection and Expansion of Performers' Rights

Formulation of international norms regarding performers' rights

CPRA is endeavoring to formulate more of international norms regarding the rights and protection of performers in cooperation with such international bodies of performers as the International Federation of Actors (FAM) and the International Federation of Musicians (FIM).

Cooperation with international organizations

Regarding the development of legal bases for the protection of performers and systems of collective management of their rights in developing countries, CPRA cooperates with international organizations including the World Intellectual Property Organization (WIPO) and the governments and non-governmental interested parties in these countries and is engaged in various support activities in this connection.

Campaigns including drives to promote expansion of education

CPRA is holding consultations with concerned organizations to discuss ways to eliminate violation of intellectual rights including copyright, neighboring rights and publicity right, and is actively committed to campaigns to expand relevant education.

Information activities regarding neighboring rights

The Center publishes CPRA News (in Japanese), has installed and is operating its website, inserts advertisements in trade journals, and is engaged in other activities to disseminate knowledge on and inquire further into performers' neighboring rights, and in information activities to make better known both at home and abroad CPRA's rights management and related activities.

Common-purpose fund scheme

Based on agreement among right holders, a certain proportion of the sum of royalties for secondary use of commercial phonograms to be distributed to them is contributed to the Common-Purpose Fund (established in 1996) to finance activities to develop the common cultural and social infrastructure for performers including promotion and dissemination of performing arts, and research projects regarding performers' rights and drives for better protection of such rights.

Research

CPRA is engaged in research projects regarding a review of the compensation systems for private sound and visual recording, establishment of performers' right to use their portraits for publicity purposes and performers' rights, including ways to exercise them, in digital society.

Affiliation and cooperation with foreign bodies for management of performers' rights

Today, Japan is a signatory to many international conventions regarding neighboring rights, and in this connection CPRA has entered into agreements with foreign bodies for management of performers' rights regarding royalties for secondary use, royalties and remunerations for rental of commercial phonograms, and compensations for private sound and visual recording.

At the same time, as a member of the Societies' Council for the Collective Management of Performers Rights (SCAPR) and the International Performers Database Association (IPDA), CPRA is dedicated to the establishment of international systems for rights management.

Entrusted management data center

In order to carry out various activities for management of rights as a designated organization and a body for management of copyright, etc., CPRA is operating various data handling systems including right holders' master systems, distribution systems and coding of performers for the integrated database of Music J-CIS.



Center for
Performers' Rights
Administration
Japan

For more information contact the
Center for Performers' Rights Administration at:

Address:
11F TOKYO OPERA CITY TOWER
3-20-2 NISHISHINJUKU, SHINJUKU-KU,
TOKYO, JAPAN
Zip 163-1466

PHONE +81-3-3379-3571
FAX +81-3-3379-3589



Visit the CPRA website at:
<http://www.cpra.jp>

