“EU–Chile Free Trade Agreement:
Opportunities for the Copyright
Industries in the Netherlands”
The opportunities of the modernised EU–Chile
Interim Trade Agreement.

The creativity in Latin America, in good hands: collective management of intellectual property rights receives high marks

Embassy of Chile in the Netherlands

About the Author's Institute – INSTITUTO AUTOR

Instituto de Derecho de Autor (Instituto Autor) is a non-profit entity that focuses its activity on the **study and research of intellectual property rights**, and on the collaboration in the **development, expansion and improvement of its regulations**, with special attention to the **European and Latin American** spheres.

To this end, the Instituto Autor has been devoting its work to the **legal aspects of intellectual property**, but also to other aspects of growing interest, such as those related to economic and social sciences, as well as new technologies and, of course, the **collective management of intellectual property rights**.

About the Author's Institute – INSTITUTO AUTOR

Instituto Autor was created in 2005 by the the Spanish General Society of Authors and Publishers (*Sociedad General de Autores y Editores, SGAE*), aiming its activity at three main areas:

- the **publication** of monographs, legal texts, compilations, studies, newsletters, etc., which provide professionals with the necessary legal tools to defend and protect intellectual property rights;
- the **training of professionals** all over the world through courses, seminars, conferences and master classes; and the promotion of the **study and research of copyright and related rights**, through the organisation of legal awards (Antonio Delgado Award), and
- the provision of **digital tools** – through www.institutoautor.org – with case law, legislation, legal reports and specialised bibliography on intellectual property.

About the Author's Institute – INSTITUTO AUTOR

Since 2007, the Author's Institute has held the status of **Permanent Observer at the World Intellectual Property Organization (WIPO)**, in recognition of its work and ongoing collaboration in improving and spreading intellectual property, as well as, in the past, in updating the international conventions for the protection of copyright, particularly the 1996 WIPO Treaties.

About the **Collective Management Organizations of intellectual property rights in Latin America (CISAC)**

Tipo miembro

M Miembro	A Miembro asociado	P Miembro provisional

Repertorio

M Música	AV Audiovisual	AGP Artes Visuales	L Literatura	D Dramático	NP Sin repertorio

América Latina y el Caribe

22 países/territories - 43 miembros

Sociedad	Tipo	Repertorio	País/Territorio
AACIMH	M	M	Honduras
ABRAMUS	M	M, D	Brasil
ACAM	M	M	Costa Rica
ACCS	A	M	Trinidad y Tobago
ACDAM	M	M, AV, D, AGP	Cuba
ADDAF	M	M	Brasil
AEI-GUATEMALA	M	M	Guatemala
AGADU	M	M, AV, D, AGP	Uruguay
AMAR SOMBRÁS	M	M	Brasil
APA	M	M	Paraguay
APDAYC	M	M, D	Perú
APSAV	P	AGP	Perú
ARGENTORES	M	AV, D	Argentina
ASSIM	M	M	Brasil
ATN	M	AV, D	Chile

Sociedad	Tipo	Repertorio	País/Territorio
AUTVIS	M	AGP	Brasil
COSCAP	P	M	Barbados
COTT	M	M	Trinidad y Tobago
CREAIMAGEN	P	AGP	Chile
DAC	M	AV	Argentina
DASC	M	AV	Colombia
DBCA	P	AV	Brasil
DIRECTORES	P	AV	México
DYGA	P	AV	Chile
ECCO	P	M	Santa Lucía
GEDAR	P	AV	Brasil
JACAP	M	M	Jamaica
REDES	M	AV	Colombia
SACIM, EGC	P	M	El Salvador
SACM	M	M	México

Sociedad	Tipo	Repertorio	País/Territorio
SACVEN	P	M, D	Venezuela
SADAIC	M	M	Argentina
SAYCE	M	M	Ecuador
SAYCO	M	M, D	Colombia
SBACEM	M	M	Brasil
SCD	M	M	Chile
SGACEDOM	M	M	República Dominicana
SICAM	M	M	Brasil
SOBODAYCOM	M	M	Bolivia
SOCINPRO	M	M	Brasil
SOMAAP	M	AGP	México
SPAC	M	M	Panamá
UBC	M	M	Brasil

(CISAC)

MEMBERSHIP *by region*

116 COUNTRIES/TERRITORIES - 227 MEMBERS

New CISAC members as of May 2024:

SOCIETY	STATUS	REPERTOIRE	COUNTRY/TERRITORY	REGION
AVRS	P	AV	NIGERIA	AFRICA
DYGA	P	AV	CHILE	LATIN AMERICA
IAF	A	AV	UNITED KINGDOM	EUROPE
LESCOSSA	P	M, AV, D, AGP	LESOTHO	AFRICA
SEF	P	AV	TURKEY	EUROPE
VISARTA	P	AGP	ROMANIA	EUROPE

LATIN AMERICA & THE CARIBBEAN

22 countries - 46 members

SOCIETY	STATUS	REPERTOIRE	COUNTRY/TERRITORY
AACIMH	M	M	HONDURAS
ABRAMUS	M	M, D	BRAZIL
ACAM	M	M	COSTA RICA
ACCS	A	M	TRINIDAD AND TOBAGO
ACDAM	M	M	CUBA
ADDAF	M	M	BRAZIL
AEI-GUATEMALA	M	M	GUATEMALA
AGADU	M	M, AV, D, AGP	URUGUAY
AMAR SOMBRÁS	M	M	BRAZIL
APA	M	M	PARAGUAY
APDAYC	M	M, D	PERU
APSAV	P	AGP	PERU
ARGENTORES	M	AV, D	ARGENTINA
ARTEGESTION	P	AGP	ECUADOR
ASSIM	M	M	BRAZIL
ATN	M	AV, D	CHILE
AUTVIS	M	AGP	BRAZIL
COSCAP	P	M	BARBADOS
COTT	M	M	TRINIDAD AND TOBAGO
CREAIMAGEN	P	AGP	CHILE
DAC	M	AV	ARGENTINA
DASC	M	AV	COLOMBIA
DBCA	P	AV	BRAZIL
DIRECTORES	P	AV	MEXICO
DYGA	P	AV	CHILE
ECCO	P	M	CHILE
GEDAR	P	AV	BRAZIL
JACAP	M	M	JAMAICA
REDES	M	AV	COLOMBIA
SACIM, EGC	P	M	EL SALVADOR
SACM	M	M	MEXICO
SACVEN	P	M, D	VENEZUELA
SADAIC	M	M	ARGENTINA
SAVA	P	AGP	ARGENTINA
SAYCE	M	M	ECUADOR
SAYCO	M	M, D	COLOMBIA
SBACEM	M	M	BRAZIL
SCD	M	M	CHILE
SGACEDOM	M	M	DOMINICAN REPUBLIC
SICAM	M	M	BRAZIL
SOBODAYCOM	M	M	BOLIVIA
SOCINPRO	M	M	BRAZIL
SOGEM	P	AV, D, L	MEXICO
SOMAAP	M	AGP	MEXICO
SPAC	M	M	PANAMA
UBC	M	M	BRAZIL

About the **Collective Management Organizations of intellectual property rights in Latin America (CISAC)**

In 2008, CISAC implemented a set of Professional Rules: binding principles that all CISAC members must follow. They include best practices in **governance**, **financial management**, **communication, administration, and the management and sharing of information** related to creative works and their relevant rights holders.

These requirements act as criteria for being a CISAC member and are subject to its oversight and enforcement.

About the **Collective Management Organizations of intellectual property rights in Latin America:** ***a look from the Observatory of the Author's Institute***

The collective management system for copyright and related rights is one of the **key elements for the development of the creative industries** in the region.

The **mediation** carried out by the CMOs between rights holders and their users brings **benefits and efficiencies** to both parties due to the simplification it offers, and, thanks to that, to society as a whole because of its impact on the **growth of the creative industry**, as well as on the development and **promotion of culture in a globalized environment**. In this last aspect, it is important to point out the growth of Latin American music, arts and cinema in the world market.

About the **Collective Management Organizations of intellectual property rights in Latin America: about *the legal framework***

Over the framework developed by the Latin-American countries and jurisdictions belonging to the **Andean Community of Nations (CAN)**, the CAN has an instrument that contains provisions regarding respect in Andean Decision 351 of 1993 (Chapter XI). This international instrument affects the Andean Community countries + Colombia and Peru.

The decisions of the CAN don't require implementation into the domestic law of member countries since they have immediate binding effects and prevail over domestic law.

The **Andean Decision 351 of 1993 recognizes economic and moral rights for the rights holders**.

About the **Collective Management Organizations of intellectual property rights in Latin America:** ***the legal framework***

In Chapter XI, it regulates matters related to the collective management of copyright and related rights. It establishes that **CMOs are subject to inspection and supervision by the member state** and must obtain an operating license from the competent national office.

The Andean Community of Nations (CAN) has a **Court of Justice**, as a permanent, supranational, and community judicial body of the Andean Community, established to declare the legality of community law and ensure its **uniform application and interpretation** in all member countries. This body issues rulings that are binding for the Member Countries and provides preliminary interpretations that are binding for the judicial authorities.

This architecture guarantees a **strong and reliable structure for the activity of CMOs in the region**.

About the **Collective Management Organizations of intellectual property rights in Latin America:** ***the legal framework***

The regulatory framework of copyright and related rights at the international level is complemented by **Free Trade Agreements** that include chapters **on intellectual property**, which have been signed by various countries in the region, such as, among others, **Costa Rica, Chile, Colombia, Mexico, and Peru**.

Regarding copyright and related rights, free trade agreements have generally included enforceable rules and are aimed at regulating the protection and use of works in digital environments.

About the **Collective Management Organizations of intellectual property rights in Latin America**

Collective management societies are organizations that act on behalf of copyright and related rights holders, to make it **easier to grant licenses and collect the corresponding fees**.

One of the main challenges of intellectual property is finding a way to protect it effectively, that is, to ensure its proper use, and to guarantee that copyright or related rights holders give the **authorizations** and receive the **appropriate fees**.

They operate based on a **delegation made by the rights holders** to these organizations, so that they can handle granting authorizations for all or some uses of their works, artistic performances, or related contributions, as well as collecting, managing, and distributing the amounts that should be paid for their use.

About the **Collective Management Organizations of intellectual property rights in CHILE:**

They are Chilean **private law corporations** that have **authorization from the Ministry of Cultures, Arts and Heritage** to engage in activities related to the management, protection, and collection of the intellectual property rights of their members or partners.

1. Chilean Society of Authors' Rights (SCD): represents authors and artists of musical works.
2. Literary Rights Society (SADEL): represents authors and publishers of literary works.
3. Collective Management Entity of Audiovisual Producers' Rights of Chile (EGEDA-Chile)
4. Association of National Authors of Theater, Film, and Audiovisuals (ATN). Comprised of authors of dramatic, film, and audiovisual works.

About the **Collective Management Organizations of intellectual property rights in CHILE:**

5. Management Society of Still Image Creators (*Creaimagen*): represents photographers, painters, and others.
6. Chile Actors Corporation (*Chileactores*): represents the rights of artists in audiovisual works.
7. Society of Phonographic and Videographic Producers of Chile (*Profovi*).
8. Corporation of Audiovisual Directors and Screenwriters (DYGA).

About the **Collective Management Organizations of intellectual property rights in CHILE:**

To manage, protect, and collect the copyright and related rights of their members or partners, collective management organizations carry out the following actions:

- They keep a **public record** of their members and of the national and foreign rights holders they represent, as well as the type of rights they manage.
- They **gather information** about the owners of the works, artistic performances, or related contributions they manage.
- They **issue licenses** for the use of the works, artistic performances, or related contributions they manage.
- They handle **representation contracts** made with equivalent entities **abroad**.

About the **Collective Management Organizations of intellectual property rights in CHILE:**

- They **set the fees** to charge users for granting licenses to use works, artistic performances, or related contributions that they manage.
- They **supervise and collect fees** for the use of the works, artistic performances, or related contributions they manage.
- They **take legal action to enforce the respect of the rights** of the authors and rights holders affiliated with them.
- They **distribute the money collected** from payments among the rights holders of the works, artistic performances, or related contributions used **proportionally**, according to the system established in their statutes and regulations.
- They promote **activities or services of a welfare nature for the benefit of their members and represented parties**, and to encourage national creation.

About the **Collective Management Organizations of intellectual property rights in CHILE:**

In Chile, to request **authorization** to operate from the Ministry of Cultures, Arts and Heritage, the incoming entity must show that it will represent at least 20 percent of national or foreign authors residing in the country.

To get that authorization, strict requirements for governance, transparency, and good management are demanded, as well as guarantees regarding free competition which must be included and ensured in their **bylaws and regulations**.

The subsequent prerogatives of the Administration to **assess and inspect** the operation of the CMOs constitute an additional guarantee.

About the **Collective Management Organizations of intellectual property rights in CHILE:**

Strategic alliances between the CMOs enhance the closeness of their activities and to achieve various objectives.

For example, CHILEACTORES has had a cooperation agreement with DYGA since 2017, based on the **solidarity** that exists among Chilean directors, screenwriters, and audiovisual performers.

Also, it is worth noting that from 2000 to 2015, to encourage and recognize national artistic work, various CMOs, including SCD, ATN, CREAIMAGEN, CHILEACTORES, SCI, and SADEL, organized the **Altazor Awards of the National Arts**, where outstanding authors and artists in literary, visual, performing, dance, musical, audiovisual, film, and television arts were awarded.

About the **Collective Management Organizations of intellectual property rights in CHILE:**

Besides, the level of coverage of the CSGs with respect to the exploitation of works is high, considering all the aspects included in the exercise or collection of their rights.

The latest **annual report from CISAC** says that this Confederation is working in Latin America and the Caribbean, and stepping up its collaboration with governments around **copyright proposals related to AI in Chile**, Costa Rica, and Panama.

Finally, in Chile, new proposals are being studied that could introduce –it is feared- a broad exception for AI training. In this regard, CISAC supported the French bill that introduces a legal presumption about the use of protected works for AI training.

About the **Collective Management Organizations of intellectual property rights in LATIN AMERICA:** ***some figures***

According to the latest **CISAC GLOBAL COLLECTIONS REPORT 2024**, **Latin America** grows by a quarter and **leads global growth**.

For the second consecutive year, Latin America was the fastest-growing region, with an increase of +26.2% reaching € 694M. Although the digital sector remained the largest, with a 42.6% share, the main driver of growth was the more than +50% increase in revenue from the Live and Venue sector. In Mexico, total revenue rose by +35.0%.

The pandemic recovery in **Chile** and Argentina also boosted growth by +32.4% and +8.4% (in €) respectively.

About the **Collective Management Organizations of intellectual property rights in LATIN AMERICA:** ***some figures***

AUDIOVISUAL RIGHTS:

Latin America grows despite economic challenges and recorded a growth of +48.5%.

The region's **audiovisual revenues** represent 9.1% of the global total. The region has undergone many **significant improvements in its legislative landscape**, helping some societies generate strong revenue growth.

Argentina, **Chile**, Colombia, Mexico, and Uruguay currently have this right to fair remuneration established.

In **Chile**, the announcement of a new contract with Netflix, made possible by the recent introduction of the Ricardo Larraín Law for the remuneration of authors, brings **potential for growth in the future**.

About the **Collective Management Organizations of intellectual property rights in LATIN AMERICA:** ***some figures***

REVENUE FROM THE DIGITAL USE OF CREATORS' WORKS:

Chile, Costa Rica, and the Dominican Republic grew by more than 50%, while Panama, Paraguay, and Trinidad and Tobago more than doubled.

tables of collections

ALL REPERTOIRES

COLLECTIONS FOR ALL REPERTOIRES IN EUR MILLION

RANK	COUNTRY/TERRITORY	COLLECTIONS	GROWTH	GLOBAL SHARE
1	UNITED STATES	2,839	+8.1%	21.7%
2	FRANCE	1,777	+4.7%	13.6%
3	UNITED KINGDOM	1,174	+7.4%	9.0%
4	GERMANY	1,039	+7.8%	7.9%
5	JAPAN	895	-3.0%	6.8%
6	ITALY	698	+22.9%	5.3%
7	AUSTRALASIA	427	+0.1%	3.3%
8	CANADA	357	+5.7%	2.7%
9	SPAIN	330	-1.5%	2.5%
10	NETHERLANDS	316	+7.6%	2.4%
11	KOREA, REPUBLIC OF	279	+9.3%	2.1%
12	SWITZERLAND	261	+8.6%	2.0%
13	MEXICO	226	+39.0%	1.7%
14	BRAZIL	224	+23.4%	1.7%
15	SWEDEN	203	+10.1%	1.5%
16	ARGENTINA	177	+23.8%	1.3%
17	DENMARK	166	+7.0%	1.3%
18	BELGIUM	155	+6.6%	1.2%
19	POLAND	149	+23.2%	1.1%
20	AUSTRIA	124	-1.6%	0.9%
21	FINLAND	118	+2.6%	0.9%
22	NORWAY	80	+4.4%	0.6%
23	PORTUGAL	72	+13.2%	0.5%
24	CZECH REPUBLIC	69	+17.3%	0.5%
25	ISRAEL	60	+1.7%	0.5%

RANK	COUNTRY/TERRITORY	COLLECTIONS	GROWTH	GLOBAL SHARE
26	INDIA	57	-15.1%	0.4%
27	CHINA	51	-8.1%	0.4%
28	RUSSIAN FEDERATION	44	-9.2%	0.3%
29	HUNGARY	43	+3.0%	0.3%
30	HONG KONG	43	+0.8%	0.3%
31	SOUTH AFRICA	42	-2.5%	0.3%
32	CHILE	42	+29.8%	0.3%
33	GREECE	40	+28.6%	0.3%
34	COLOMBIA	40	+16.9%	0.3%
35	ROMANIA	36	+4.0%	0.3%
36	IRELAND	36	+90.6%	0.3%
37	SINGAPORE	29	+163.6%	0.2%
38	PERU	25	+21.2%	0.2%
39	CROATIA	25	+13.2%	0.2%
40	TURKEY	25	+5.4%	0.2%
41	TAIWAN, CHINESE TAIPEI	23	-21.0%	0.2%
42	SLOVENIA	18	-7.9%	0.1%
43	SLOVAKIA	18	+2.6%	0.1%
44	SERBIA	17	+17.0%	0.1%
45	PHILIPPINES	15	+56.4%	0.1%
46	MALAYSIA	14	-10.2%	0.1%
47	URUGUAY	14	+11.2%	0.1%
48	VIETNAM	12	-40.9%	0.1%
49	THAILAND	11	-4.5%	0.1%
50	LITHUANIA	10	+11.7%	0.1%

tables of collections
MUSIC

COLLECTIONS IN EUR MILLION

RANK	COUNTRY/TERRITORY	COLLECTIONS	GROWTH	GLOBAL SHARE
1	UNITED STATES	2,832	+8.1%	24.1%
2	FRANCE	1,393	+5.1%	11.9%
3	UNITED KINGDOM	1,089	+7.1%	9.3%
4	GERMANY	981	+8.6%	8.3%
5	JAPAN	895	-3.0%	7.6%
6	ITALY	548	+22.3%	4.7%
7	CANADA	357	+5.8%	3.0%
8	AUSTRALASIA	353	+2.3%	3.0%
9	KOREA, REPUBLIC OF	270	+9.6%	2.3%
10	SPAIN	266	-3.0%	2.3%
11	NETHERLANDS	261	+8.8%	2.2%
12	BRAZIL	224	+23.5%	1.9%
13	MEXICO	213	+35.0%	1.8%
14	SWEDEN	186	+11.5%	1.6%
15	SWITZERLAND	166	+13.2%	1.4%
16	DENMARK	157	+7.0%	1.3%
17	BELGIUM	121	+0.7%	1.0%
18	ARGENTINA	102	+8.4%	0.9%
19	POLAND	101	+19.7%	0.9%
20	AUSTRIA	92	+3.0%	0.8%
21	NORWAY	78	+4.4%	0.7%
22	FINLAND	78	+2.8%	0.7%
23	PORTUGAL	61	+14.4%	0.5%
24	INDIA	57	-15.1%	0.5%
25	CZECH REPUBLIC	55	+18.4%	0.5%
26	CHINA	51	-6.3%	0.4%
27	ISRAEL	50	+0.5%	0.4%
28	HONG KONG	43	+0.8%	0.4%
29	HUNGARY	39	+2.8%	0.3%
30	CHILE	39	+32.4%	0.3%
31	SOUTH AFRICA	39	-2.3%	0.3%
32	RUSSIAN FEDERATION	38	-7.8%	0.3%
33	COLOMBIA	38	+19.1%	0.3%
34	IRELAND	35	+91.3%	0.3%
35	GREECE	33	+36.9%	0.3%
36	ROMANIA	31	+7.7%	0.3%
37	SINGAPORE	29	+163.6%	0.2%
38	PERU	25	+21.2%	0.2%
39	TURKEY	25	+5.4%	0.2%
40	CROATIA	23	+13.6%	0.2%
41	TAIWAN, CHINESE TAIPEI	23	-21.0%	0.2%
42	SERBIA	16	+17.2%	0.1%
43	PHILIPPINES	15	+56.4%	0.1%
44	MALAYSIA	14	-10.2%	0.1%
45	SLOVENIA	13	-3.5%	0.1%
46	VIETNAM	12	-40.9%	0.1%
47	SLOVAKIA	12	+8.2%	0.1%
48	URUGUAY	12	+10.7%	0.1%
49	THAILAND	11	-4.5%	0.1%
50	ESTONIA	9	+6.4%	0.1%

Tables of collections
DRAMA

COLLECTIONS IN EUR MILLION

RANK	COUNTRY/TERRITORY	COLLECTIONS	GROWTH	GLOBAL SHARE
1	FRANCE	67	+17.2%	31.7%
2	ITALY	64	+26.6%	30.5%
3	ARGENTINA	30	+78.6%	14.2%
4	SWITZERLAND	12	-3.1%	5.6%
5	SPAIN	11	+10.0%	5.2%
6	RUSSIAN FEDERATION	6	-16.8%	3.0%
7	POLAND	6	+56.3%	2.9%
8	BELGIUM	5	+47.6%	2.6%
9	PORTUGAL	2	+15.0%	0.9%
10	URUGUAY	1	+17.3%	0.7%
11	LITHUANIA	1	+45.4%	0.4%
12	LUXEMBOURG	1	+25.3%	0.3%
13	LATVIA	1	+52.2%	0.3%
14	BELARUS	1	+49.2%	0.3%
15	SLOVAKIA	0	+63.1%	0.2%
16	ESTONIA	0	+159.9%	0.2%
17	CHILE	0	+75.4%	0.1%
18	MEXICO	0	+692.5%	0.1%
19	ARMENIA	0	+20.7%	0.1%
20	BRAZIL	0	+44.7%	0.1%

Tables of collections
LITERATURE

COLLECTIONS IN EUR MILLION

RANK	COUNTRY/TERRITORY	COLLECTIONS	GROWTH	GLOBAL SHARE
1	AUSTRALIA	70	-10.7%	32.5%
2	UNITED KINGDOM	36	+8.2%	16.9%
3	FINLAND	20	+0.7%	9.3%
4	NETHERLANDS	20	+0.5%	9.3%
5	SWITZERLAND	19	+4.0%	8.8%
6	AUSTRIA	10	+3.9%	4.8%
7	ITALY	9	+5.9%	4.3%
8	FRANCE	6	-	2.9%
9	KOREA, REPUBLIC OF	5	0.0%	2.4%
10	PORTUGAL	4	+3.9%	1.7%
11	CZECH REPUBLIC	3	+12.6%	1.6%
12	SOUTH AFRICA	3	-6.6%	1.6%
13	BELGIUM	2	+49.8%	1.1%
14	SLOVAKIA	1	+21.6%	0.6%
15	HUNGARY	1	+5.0%	0.5%
16	SLOVENIA	1	+20.2%	0.4%
17	LITHUANIA	1	+4.4%	0.3%
18	LATVIA	1	+2.9%	0.3%
19	ISRAEL	0	+12.6%	0.2%
20	ALGERIA	0	+6.3%	0.1%

Thank you!

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