

Copyright  
Frequently Asked Questions  
(March 2024 Version)



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# 1. What should I do to protect my work or benefit from my copyright?

Unlike trademarks or patents, you do not have to take any steps or complete any formalities to protect a work. Copyright protection applies automatically as soon as there is an original work and it is incorporated in a concrete form (a mere idea is not protected). Originality arises from the free creative choices that the author has made, which put the author's personal stamp onto the work. Any creation of the human mind may be protected as it is. Works that are not created by a natural person (an animal, a machine) are not subject to copyright.

However, despite the automatic protection, it may be useful to keep proof of the date of creation of the work and the fact that you are its author or co-author. You should also be aware that you are free to provide that proof. In fact, you can perfectly demonstrate that you are the creator of the work through various means of proof, in particular any document, recording or publication that would be useful, without them being endorsed or certified beforehand by any organisation.

## 2. Collecting societies and fair remuneration

### 2.1. What are collecting societies? Are they public or private bodies?

Collective societies are private companies responsible for the collection and distribution of copyright and related rights from the use of works and services. They have ministerial authorisation to carry out their activities within Belgium. You can find an overview of the recognised collecting societies in Belgium on [presentation of collecting societies](#).

Collecting societies are supervised by the FPS Economy's [Service for the Supervision of Collecting Societies for Copyright and Related Rights](#).

When you join a collecting society, rights are transferred, so that the collecting society acts on behalf of the beneficiary. For more information, you can read the articles of association, general regulations and conditions of membership of the collecting society to get an overview of the services it offers.

A collecting society may also use auditors (authorised agents), employed by the society, to carry out on-site audits (at the event or operation) of the use of the directory represented by the collecting society.

### 2.2. Reprobel has contacted me to ask me to pay a fee for photocopying, printing and digitally reusing copyrighted works. Is it allowed to do that?

The Reprobel collecting society has been appointed by Royal Decree to collect and distribute the remuneration for reprography and the legal remuneration for publishers.

It has also developed a tariff for printing copyrighted works and reusing digital works on the basis of mandates that it has obtained from the Reprobel collecting society members.

If you (company, liberal profession, etc.) photocopy and/or print protected works, you must pay the corresponding remuneration to Reprobel. This collecting society allows users to choose:

1. Either a combined licence covering digital uses, printing, the reprography remuneration and the publishers' statutory remuneration (called bizili);
2. Or to simply make a "reprography declaration" and only pay for the "paper" uses. In this case, you will then have to make a choice between:

- a. A more tailored standardised declaration, which depends on the category of the company.
- b. A volume declaration (based on the number of copies of protected works), in which you indicate how many photocopies and prints of protected works you have made. You then pay a specific fee per page.

You should make your choice by going to the Reprobel portal and entering the username and password assigned to you. Certain elements of your declaration will be pre-filled on the basis of the information that Reprobel has through the Crossroads Bank for Enterprises and the NSSO. It is possible that this data does not fully correspond to your actual situation. You can therefore correct it in the "Mon profil" (My profile) section of the portal. You should also enter or confirm other information such as the number of FTEs, or the volume of photocopies or prints.

You may notify Reprobel if you have not copied any copyrighted work by choosing to make a reprography declaration based on volume and stating, both for photocopies and prints, that your gross volume is 0 and/or that there is 0% protected source. The simple fact of having a device (photocopier, fax, scanner, etc.) does not authorise Reprobel to send you an invoice.

You may make the declaration on the Reprobel portal, entering the username and password assigned to you in the letter.

#### Contact

Reprobel  
Avenue du Port 86c-201a  
1000 Brussels

## 2.3. Reprobel has asked me to log in to the portal using a login and password that have been assigned to me without me requesting them. Is it a scam?

Reprobel is a legitimate company that is responsible for the collection of the remuneration for reprography and the legal remuneration for publishers. Furthermore, it is also responsible for collecting the amounts due for the printing of copyrighted works and the reuse of digital works. It is therefore entirely legitimate for the company to contact you.

Using the portal does not pose any danger and its use is necessary to regularise the use or reproduction of certain works. It may seem surprising that Reprobel automatically provides a login and password, but that facilitates access to the portal. The pre-filled information has been obtained through the Crossroads Bank for Enterprises and the NSSO. However, do not forget to check this as it does not automatically correspond to your current situation.

## 2.4. How can I dispute the amount determined by Reprobel on its portal for the annual remuneration for the photocopies, prints and digital reuses of protected works?

Reprobel's [tariffs](#) are fixed according to the sector (public or private), the category of the company, or the number of FTEs.

Before disputing the total amount requested, you must determine whether the criteria that have been applied to your declaration are correct and whether the type of declaration chosen corresponds to your company's situation. If this is not the case, you may amend those criteria or the type of declaration [via the Reprobel portal](#), entering the username and password assigned to you in the letter.

If you have any questions about the declaration or the portal, you can contact Reprobel using [the contact form](#).

## Contact

Reprobel  
Avenue du Port 86c-201a  
1000 Brussels

## 2.5. What is fair remuneration?

Fair remuneration is remuneration owed by the user to the collecting societies that represent the performers (singer, guitarist, etc.) and the producers (music producers).

You must pay this remuneration in the event of the public broadcasting of recorded music (through a digital recording, CD, MP3, radio, etc.).

## 2.6. What is Unisono?

You must submit declarations of music use for an operation or an event via a single platform for music use: [Unisono](#). This platform allows the payment of all remunerations related to the use of music with the collecting societies SABAM (remuneration for copyrights), SIMIM and PlayRight (fair remuneration for performers and producers) in one go.

## 2.7. For the organisation of a temporary activity, I received an invoice for a late declaration with a flat rate, to which travel expenses were added. Can Unisono, who sent me the invoice, also request these additional amounts?

Unisono may charge you additional amounts.

You must declare the temporary activity to the relevant collecting societies at least five calendar days before the activity begins. The collecting society may demand a flat-rate surcharge if you do not meet this deadline. In the event of a late declaration, this surcharge increases to 15 % of the licence, with a minimum of 45 euro. If no declaration has been made, the increase is also 15 % but with a minimum of 100 euro. If the declaration is made before the deadline, but the details are clearly incomplete or incorrect, the increase is 15 %, with a minimum of 100 euro. Those amounts are indexed.

If no declaration has been made and an inspector from the competent collecting societies has to go in person to make findings, a fee of 125 euro may be charged, provided that this is a sworn official, i.e. a person designated by ministerial order.

If you are a consumer, no additional expenses may be charged for the first reminder sent. A maximum of 20 euro may be charged for any subsequent reminders prior to the judicial phase for a debt of less than 150 euro. Also for consumers, no expenses will be charged by Unisono for the first reminder. In the event of a second reminder, 15 euro will be charged.

## 2.8. Unisono has sent me an invoice for an event organised in a venue for which an annual contract has already been concluded. Is it allowed to do that?

Yes, because even if an annual contract has been concluded by the operator for the venue where the event takes place, the annual contract may not necessarily cover all events held in the venue.

For example, fair remuneration for an event is not covered by the annual "with beverages" contract if you are hosting a "with dance" event. In that case, you must submit a specific declaration for the event. This also applies to remuneration

for copyrights to SABAM: you must specifically check whether the planned activity falls well within the framework of the annual contract, or whether an additional amount must be paid.

It is therefore important to check the category of the event you wish to organise, so you can determine whether it is covered by the annual contract.

You can contact Unisono via the "[Contact](#)" section of their website, or by calling +32 (0)2 286 82 11.

## 2.9. Do I have to accept an invoice from a collecting society for a work or service that does not belong to the repertoire of that society?

Normally not because, in principle, a collecting society cannot collect rights for the use of a work or service whose management has not been entrusted to it by its owner.

However, there are important exceptions to this principle (legal licences) for the collection of:

- remuneration for private copying;
- remuneration for reprography;
- legal remuneration for publishers;
- remuneration for the reproduction and communication of works in the context of teaching and scientific research;
- remuneration for public lending;
- fair remuneration.

Where there is a legal licence, the rights holder cannot refuse to give consent to the exploitation of their works or services but is entitled to receive remuneration for their use. The amount of this remuneration is set by Royal Decrees.

Similarly, there is mandatory collective management for a certain number of operations, namely

- Cable retransmission,
- communication to the public by direct injection,
- the remuneration of authors of an (online) press publication for which the publishers have concluded agreements with the service providers of the information society and the right to remuneration for authors and performers vis-à-vis certain service providers of the information society whose main objective is to offer a large quantity of sound and/or audiovisual works for profit.

In those cases, as no remuneration is fixed by Royal Decree, the rights holders are obliged to use a collecting society to fix the tariffs for the exploitation of works and performances by cable retransmission and direct injection.

In the cases mentioned above, it does not matter whether or not the work or performance is part of the collecting society's repertoire, as the rights are due as soon as the established criteria for use are met.

If the performers and phonogram producers have definitely waived the fair remuneration due to them, the collecting society cannot collect it.

## 2.10. Can I ask to consult a collecting society's repertoire?

Yes.

If you want to know whether a particular work belongs to the repertoire of a collecting society, you can send it a reasoned request. The society must provide you with this information without undue delay and by electronic means (Section XI.267 of the Code of Economic Law).



## 2.11. Why do I have to pay several invoices when I use a work?

You can receive several invoices for the use of a work.

The reason is as follows: the creation of a work very often involves joint creators. For example, a song is written by a composer and a lyricist, without these two functions necessarily being performed by the same person. Similarly, the performer is not necessarily the composer, and a number of musicians, guitarist, pianist, drummer, etc. are involved in the recording of the music tape. Finally, the financial contribution of the producer is necessary for the work to see the light of day.

These different parties each have an exclusive right to authorise or prohibit the reproduction or communication of the work. If you want to reproduce or distribute a work, you must therefore obtain many different authorisations.

These rights-holders generally come together in collecting societies, to which they entrust the management of the rights attached to their works or services. These societies specialise in specialist sectors and/or in categories of rights. You can find an overview of the collecting societies that are active in Belgium in this [presentation document](#).

It is therefore possible that you will have to pay invoices from either one or more collecting societies or directly from the rights-holders if they have chosen to manage their own rights.

Since the one-stop shop [Unisono](#) was established, it has also been possible to manage the use of music in a facility (shop, café, etc.), for your staff, or as part of an event, after which you will receive an invoice.

## 2.12. Can I challenge the findings of an agent appointed by a collecting society?

A collecting society may use auditors working on its behalf to make on-site (during the event or at the facility) observations regarding the use of the repertoire it represents. These inspectors may be approved by a ministerial decree, and in this case, their findings are valid until proven otherwise. The agents are approved on the basis of Article XI.263, § 3 of the Code of Economic Law and sworn in in accordance with Article 572 of the Judicial Code

Any user who disputes the findings of an authorised agent must provide evidence to support these findings. They may provide this evidence by any legal means (writing, testimony, presumption, preliminary written evidence, etc.) but must first present it to the collecting society or societies concerned.

Authorised agents do not have the powers of the criminal police. They therefore simply have the right to seek information within the same limits as an ordinary citizen. They do not have the power to enter private premises or, unless provided by law, obtain copies of certain documents. They may only record facts that may constitute infringements of the rights recognised by Title 5 of Book XI of the Code of Economic Law, provided that these facts occur in a place accessible to the public.

Findings made by a non-approved agent may also be taken into account but will not have any particular force of evidence.

The [Control Service of the Copyright Management Companies](#) is competent to verify the legality of the findings of authorised agents. You can contact the [Contact Point](#) if you wish to make a complaint.

## 2.13. I am a rights-holder and I feel that my collecting societies paid me too late.

The collecting societies must take the necessary measures to distribute and pay the royalties they collect within nine months of the end of the financial year in which the royalties were collected (Article XI.252, § 1, paragraph 2 of the Code of Economic Law). If your collecting society collects your dues on the basis of a representation agreement, this period will be six months from the day your collecting society collected the dues (Article XI.260, § 3, paragraph 2 of the Code of Economic Law).

If it cannot meet this deadline, the collecting society must state the objective reasons for this in its management report. If you do not receive your fees within this period, you can ask the collecting society for an explanation.

You can take the matter to court if you do not receive an explanation or are not satisfied with this explanation. In addition, you can also file a complaint with the [Contact Point](#).

## 2.14. I am a rights-holder and I feel that I have not been sufficiently compensated by my collecting society.

To find out how much you are owed by the collecting society, please refer to this society's allocation rules. You can ask your collecting society for these rules if you do not have them. The company is obliged to provide you with the rules within three weeks (Article XI.249, § 3 of the Code of Economic Law).

If you feel that these rules have not been properly applied, you should first contact your collecting society and make a complaint. As a rule, it must respond within one month (Article XI.273/1, § 3 of the Code of Economic Law). If the collecting society refuses to change its position and you maintain your position, then you should either go to court or file a complaint with the [Contact Point](#).

## 3. Copyright on websites

### 3.1. What do I have to do to respect copyright on my website?

We refer you to the "[Copyright Guidelines for website owners](#)" published by the FPS Economy.

If you want to create a website containing protected works (text, image, photo, music sequence, video or music video), it is important to take the following steps and seek advice from a competent person in the field.

- Make an inventory of the elements that will be reproduced or used on the website and that may be protected by copyright.
- Determine the copyright and related rights-holders from whom you need to obtain permission.
- Define how these protected works will be used.
- Draft a licence agreement and negotiate the rights with the rights-holders concerned (author, publisher, producer, etc.).
- Keep all the agreements and authorisations obtained from the rights-holders, in case you are required to subsequently prove the existence of an agreement with the latter.

You will find useful information for this on the "[Copyright](#)" and "[Related rights](#)" pages.

### 3.2. What do I need to do to put music on my website?

#### 3.2.1. Background music on the website of my company, association or public service

You have to distinguish between what is owed to songwriters and what is owed to producers. You can cover the remuneration due to both parties via the [Unisono](#) platform. Unisono is a collaboration between SABAM, SIMIM and PlayRight. Go to the [Unisono](#) website, then click on "[Make a simulation](#)", "Utilisation quotidienne (horeca, magasin, musique sur le lieu de travail)" (Daily use (hotel and catering, shop, music in the workplace, etc.)), choose "Autres" (Other) in the drop-down menu, "Musique de fonds sur un site web" (Background music on a website) and "Sauvegarder et continuer vers le tarif" (Save and continue to the price).

Fill in the requested data and the price will appear.

You can also print and complete a declaration form. There are separate forms for certain sectors.

Please note: you will only be allowed to use music under the following four cumulative conditions:

1. The total duration of use may **not** exceed 15 minutes;
2. The music must be used in a non-downloadable format;
3. It must not be a webradio;
4. The music must not be used for a commercial, promotion or animation (flash, video, etc.).

If your website does not meet these conditions, you will have to obtain a licence.

### 3.2.2. Making music or video clips available "on demand" on my website (streaming)

You have to distinguish between what is owed to songwriters and what is owed to producers, singers and performers.

To remunerate songwriters, go to the [Unisono](#) website and click on "[Music](#)", "[Internet](#)" and "[Music streaming rate](#)" to find the price.

These rights belong to SABAM, but as Unisono is managed by SABAM, you can submit your request via this [platform](#), by clicking on "[Apply for your licence](#)". You must login or register if this is your first visit to the site.

However, this remuneration only covers the rights of songwriters. You must therefore also take additional steps for the rights of producers, performers and musicians. However, it is not necessary to contact the performers' collecting society, "PlayRight", as performers generally assign their dues for this type of use to the producers. As a result, you must obtain the authorisation of the music producers' collecting society. To do this, you will need to do one or more of the following.

#### 1. Musical works

If you want to make musical works available "on demand", you must contact the producers directly to obtain the required authorisations. If you want to make these musical works available in a linear or semi-linear (webradio) way, you can go through SIMIM, the producers' collecting society. Go to the [SIMIM](#) website and click on the "[Internet Music](#)" page.

You will find the rates and the declaration form under "Webcasting/Streaming".

#### 2. Video clips

If you want to make video clips available "on demand", you must contact the video clip producers directly to obtain the required authorisations. If you want to make these video clips available in a linear or semi-linear way, you can go through Imagia, the video clip producers' collecting society. Go to the [Imagia](#) page of the [SIMIM](#) website, where you will find the applicable rates.

### 3.2.3. What do I have to do to place an advertisement, corporate film or other audiovisual production of a commercial nature on my website?

You have to distinguish between what is owed to songwriters and what is owed to producers, singers and performers.

To remunerate songwriters, go to the [Unisono](#) website and click on "[Music](#)", "[Internet](#)" and "[Commercial audiovisual production rate](#)" to find the price.

These rights belong to SABAM, but as Unisono is managed by SABAM, you can submit your request via this [platform](#), by clicking on "[Apply for your licence](#)". You must login or register if this is your first visit to the site.

However, this remuneration only covers the rights of songwriters. You must therefore also take additional steps for the rights of producers, performers and musicians. However, it is not necessary to contact the performers' collecting society, "PlayRight", as performers generally assign their dues for this type of use to the producers. So you must obtain authorisation from the music producers' collecting society.

To do this, you can visit the [SIMIM](#) website. Click on "[Audiovisual Productions](#)", and then on "[More information about the declaration of audiovisual productions](#)". Then ask for a contract by contacting the address mentioned on the "[Audiovisual Productions](#)" page, under "Information": [vince.versteynen@simim.be](mailto:vince.versteynen@simim.be), tel: +32 2 775 82 10.

### 3.2.4. How can I offer downloads of musical works on my website?

To remunerate songwriters, go to the [Unisono](#) website and click on "[Music](#)", "[Internet](#)" and "[Rate for the online distribution of musical works](#)" to find the price.

These rights belong to SABAM, but as Unisono is managed by SABAM, you can submit your request via this [platform](#), by clicking on "[Apply for your licence](#)". You must login or register if this is your first visit to the site.

You must also pay for the rights of producers, performers and musicians. However, neither the performers' collecting society, "PlayRight", nor the producers' society, "SIMIM", ensures the collective management of rights for this type of use.

This means:

- that the site owner should not expect any claims from these two companies;
- that the only way to be safe from claims is to negotiate individually and directly with the holders of related rights.

### 3.2.5. How can I offer podcasts of radio and non-radio programmes on my website?

To remunerate songwriters, go to the [Unisono](#) website and click on "[Music](#)", "[Internet](#)" and "[Rate for the online distribution of musical works](#)" to find the price.

These rights belong to SABAM, but as Unisono is managed by SABAM, you can submit your request via this [platform](#), by clicking on "[Apply for your licence](#)". You must login or register if this is your first visit to the site.

You must also pay for the rights of producers, performers and musicians. However, it is not necessary to contact the performers' collecting society, "PlayRight", as performers generally assign their dues for this type of use to the producers. So you must obtain authorisation from the music producers' collecting society.

To pay the music producers, visit the [SIMIM](#) website and click on the "[Internet Music](#)" page. Under "Podcasting", "a) For radio stations" or "b) For non-radio stations", select "Rates" and "Declaration Form".

### 3.2.6. How can I create a webradio?

To pay songwriters, go to the [Unisono](#) website and click on "[Music](#)". Then click on "[Webradio/TV](#)" and "[Rates for radio broadcasting and the online offer of radio programmes](#)" to obtain the tariff.

These rights belong to SABAM, but as Unisono is managed by SABAM, you can submit your request via this [platform](#), by clicking on "[Application form](#)" and following the instructions.

You must also pay for the rights of producers, performers and musicians. However, it is not necessary to contact the performers' collecting society, "PlayRight", as performers generally assign their dues for this type of use to the producers. So you must obtain authorisation from the music producers' collecting society.

You must apply to SIMIM to remunerate music producers for the use of music on non-interactive or semi-interactive webradios. The procedure can be found on the [SIMIM](#) website. Click on "[Internet Music](#)", then, under "Webcasting/Streaming", on "[Rates](#)" and "[Declaration form](#)".

**If you want to make musical works available "on demand", contact the producers directly to obtain the required authorisations.**

### 3.2.7. What do I need to do to put a literary work on my website?

As a rule, you should contact the publisher who can inform you, or the author (or the collecting society that represents them, e.g. SABAM, SACD/SCAM, deAuteurs) if they manage the rights. If the publisher is affiliated with SABAM, the procedure is as follows.

Visit the [Unisono](#) website and click on "[Literature](#)", then on "[Rate for literary reproductions](#)". You will then access a document that lists the rates for literary works, including those for the Internet (p. 15).

These rights belong to SABAM, but as Unisono is managed by SABAM, you can submit your request via this [platform](#), by clicking on "[Apply for your licence](#)" and following the instructions. You must login or register if this is your first visit to the site.

## 3.3. What do I have to do to put press articles on my site?

### 3.3.1. Articles from the French- or German-speaking Belgian daily press

To obtain the required authorisation, go to [Copiepresse](#) and, at the bottom of the page, under "Online calculation module", click "Access the module". Answer the questions according to your situation and desired use. If you confirm the process, you will then receive a summary email and a pre-order number before being contacted again to set up a contract.

Publishers who are members of Copiepresse have all concluded agreements with SAJ-JAM to manage rights for journalists who have not transferred their rights directly. Copiepresse licences therefore cover the rights of both publishers and journalists.

### 3.3.2. Articles from the French or Luxembourg daily press

Go to [Copiepresse](#) and, in the left-hand column, click on "Directories & Rates", then on "Other directories managed by Copiepresse (mandates)".

You can obtain the French rates by clicking on "French press directories and rates".

You can obtain the Luxembourg rates by clicking on "Luxembourg press directories and rates".

Continue by clicking on "[Reporting Forms](#)" under "[Other directories managed by Copiepresse \(mandates\)](#)".

### 3.3.3. Articles from the Flemish daily press

License2Publish licences cover the rights of both publishers and journalists. In the rare cases where the journalist's rights have not been transferred to the publisher, License2Publish will contact the journalist in question.

To obtain the required authorisation, visit the [License2Publish](#) website. Under "Licences", click on "Rates" and consult the different tariffs related to internet broadcasting.

To access the declaration form, go back to "Licences" and click on "[Request a licence](#)".

### 3.3.4. Articles from the Belgian periodical press

Repropress guarantees that the licenses it grants cover the rights of both periodical publishers and journalists. Repropress acquires its rights directly from the press publisher or from the journalists' collecting society "SAJ-JAM".

To obtain the required permission, go to the [Repropress](#) website, click on "[Contact](#)" and send your request to the email address provided.

## 3.4. How do I place a work of visual art (photo, drawing, sculpture, painting, design, architecture, etc.) on my website?

### 3.4.1. Belgian collecting society: SOFAM

Visit the [SOFAM](#) website. Click on "[Services](#)" and then on "[Rates for Belgium](#)". Download the PDF file "SOFAM rates". Read the section of the document on the Internet (p. 35) for the applicable rate. To request a licence, go back to the French home page and click on [info@sofam.be](mailto:info@sofam.be) at the bottom of the page. This licence will be based on the rate indicated in the PDF.

### 3.4.2. Foreign collecting societies

If the work you are interested in is not in SOFAM's repertoire, it may be in the repertoire of one of the foreign collecting societies listed on the "[Rates abroad](#)" page. You will then be redirected to the websites of SOFAM's sister companies. Follow the procedure of the website(s) that you need.

You can also apply for worldwide licences for the use of visual artworks by 30,000 artists on the Internet. This is possible via the website [OnLineArt](#), of which SOFAM and SABAM are members. The system generates licences for the reproduction of works on a website or on the intranet, for downloading or pay-per-view.

### 3.4.3. SABAM

If the work is part of SABAM's repertoire, go to [UNISONO](#)'s website and click on "[Visual arts](#)".

You can then:

- obtain the rates by clicking on the "[Rate](#)" box and then on "[Rate visual arts](#)". This will give you access to a document containing the "Internet" rates & Intranet » (page 30) ;
- send a licence application by clicking on "[Declaration](#)" and following the instructions.

### 3.4.4. Works from online photo databases

There are also databases that offer photos for the – generally relatively low – fixed price of a licence. This price is determined by the purpose that the photo will be used for. Read the licensing conditions carefully and ensure that the purpose for which you are planning to use the photo is covered.

Sometimes, you only have to state the name of the author and/or the platform, and sometimes even this is not necessary (e.g. on Pexels, Unsplash, Freepik and Pixabay).

Always make sure to carefully retain any proof (email, proof of purchase, invoice, licence, etc.) of such a procedure, so that you can always prove that you acquired the photos legitimately.

### 3.4.5. Works free of rights

Sometimes, artists put their works online under a Creative Commons (CC) licence. This way, the creator automatically grants you authorisation to use the work free of charge. However, you must still comply with any conditions.

There are different types of CC licences. You must almost always state the name of the author. Sometimes, you cannot use the images for commercial purposes, and you cannot amend them. You often have to share the photo again under the same CC licence. In most cases, it is sufficient to state the name of the creator and the correct licence, but it is essential that you always check the licensing conditions in advance. Don't forget that if you want to use photos of protected objects (such as visual works), you must obtain a separate authorisation from the creator of this work, unless you can invoke a legal exception.

For music, we refer you to the [pro-music](#) website, which lists legal music providers.

### **3.5. My website contains a hyperlink to protected content (music, film, etc.). Do I have to pay copyright or related rights for this?**

If the hyperlink is to publicly available content, there is no new communication to the public and you do not have to pay copyright.

There is a new public disclosure if the hyperlink is to content that is not available to everyone (e.g. content reserved for newspaper subscribers). You must therefore again obtain authorisation from the rights-holder(s). If you have been unable to obtain this, you cannot include your hyperlink.

Warning: if your website contains hyperlinks to press articles and you have changed the titles, this may be considered an act of reproduction. In this event, you must obtain authorisation from the rights-holder(s).

### **3.6. Can I invoke the exception for the benefit of teaching or scientific research to place protected works on my educational institution's website without obtaining the consent of the rights-holders?**

No.

A website is accessible to everyone and falls outside the scope of the exception for educational or scientific research purposes. This educational exception is limited to "*communication to the public [...] secured by appropriate measures and (which) does not prejudice the normal exploitation of the service*" (Article XI.217/1, 4° of the Code of Economic Law).

### **3.7. I put an image I found on the internet on my website. What should I do if a company writes to me afterwards asking me to pay copyright for the use of this image (e.g. Visual Rights Group, PicRights, CopyTrack, Copyright Agent)?**

Website owners sometimes receive letters from a company (which is not a collecting society) asking them to pay royalties for images used on their website, even if the images have been there for years or the site has a very limited audience.

Visual Rights Group, PicRights, Copytrack and Copyright Agent are examples of such companies.

First, it should be noted that when an image is used without the permission of the rights-holder, the latter has the right to object. If a name is mentioned on the image, it is presumed to be that of the author (Article XI.170 of the Code of Economic Law), which indicates that this image is indeed protected by copyright. Please note that this does not mean that there is no copyright when no name is mentioned!

In the cases described above, a rights-holder (photographer/press agency) has mandated a specific company to act on its behalf. After receiving such a letter, we advise you to request information about this mandate, and more specifically information to prove that the company in question does indeed have a mandate for this copyright.

With regard to the amount claimed, we can say only that in addition to copyright, the amount may include compensation for the unlawful use of the image. We cannot comment on the extent of this amount, as this is a matter exclusively for the courts.

Lastly, you should also take into account whether there is a safeguard clause in the general conditions of the contract with the seller of the photo(s), the website creator, or any other contractor providing you with images. This clause (in the contract between the buyer of the photo and the seller) implies that the buyer cannot be held liable for copyright infringement if they have acquired the image legally. This clause can also therefore be invoked to recover the expenses of such a complaint by the party that provided the photo.

It is up to you to determine, on the basis of the circumstances of your case, whether the company's claims are justified. If you consider it useful, you can also file a complaint on this subject via the [Contact Point](#), by clicking on the "Invoice & payments" box, then on the "copyright" box on the 2<sup>nd</sup> page, or by typing "copyright" in the "search" function, which will also take you to the "copyright" box.

As a consumer, you can file a complaint via [ConsumerConnect](#) if you believe that your rights as a consumer have been violated.