

THE EUROPEAN AUTHORS' PETITION TO REMOVE ARTICLE 12 FROM THE DIRECTIVE ON COPYRIGHT IN THE DIGITAL SINGLE MARKET (COM/2016/0593)

ARTICLE 12 OF THE DIGITAL SINGLE MARKET DIRECTIVE THREATENS THE COPYRIGHT, CONTRACTUAL FREEDOM AND LIVELIHOOD OF AUTHORS

The authors and their national organizations, the signees of this petition oppose the article 12 of the proposed DSM Copyright Directive COM/2016/0593. The article, which concerns the publishers' right for compensation, is against the basic principles of copyright, and threatens the contractual freedom and livelihood of authors. Instead of improving the conditions of European digital single market, the passing of the article would cause serious market disturbances in several countries.

THE ARTICLE 12 SHOULD NOT BE PASSED, BECAUSE

IT IS AGAINST THE BASIC PRINCIPLES OF COPYRIGHT

The basic principle of copyright is that the author of a work is always a natural person, i.e. a human being. Creating rights to publishers directly through legislation would be contrary to the basic principles of copyright – the individual author has the right to decide which rights to grant. Publishers get all the rights they need through the contracts between the author and the publisher.

IT LIMITS CONTRACTUAL FREEDOM IN AN UNPRECEDENTED WAY

The weaker contractual position of authors is widely recognized and accepted. The proposed article 12 would further weaken the position of authors in relation to publishers. Limiting contractual freedom by legislative measures to the detriment of the weaker party is not acceptable. On the contrary, the duty of the legislators is to protect the weaker party.

IT WOULD WEAKEN THE LIVELIHOOD OF AUTHORS

In several countries the copyright remunerations for authors, among them the public lending remuneration, enable them to continue doing creative work. Dividing the remunerations with the publishers would seriously weaken the possibilities of authors to continue in their chosen profession. In Nordic and Baltic countries – as well as in many other European countries – the public lending remuneration has always been a compensation solely aimed for the creators of works.

IT CAUSES DISTURBANCES IN THE BOOK MARKETS AND CAUSES FRICTION BETWEEN AUTHORS AND PUBLISHERS

The article is hastily drafted and its impacts on the book market and the livelihood of the authors are not sufficiently studied and assessed. Instead of improving the working of the single digital market, it would cause market disturbances and weaken the publishers' business opportunities as at least some authors would become self-publishers.

IT IS TERMINOLOGICALLY UNCLEAR AND INTRINSICALLY CONTRADICTIONARY

If passed, the article would create a legally unclear situation. Additionally, the articles of the proposed directive are contradictory and their impact scattershot.

IT IS VERY DIFFICULT TO IMPLEMENT

The passing of the article would cause several practical problems and heavy administrative costs. Before distributing the remunerations, each individual work would have to be checked to find out to whom the compensation should be given and how it should be divided.

IT IS PROBLEMATIC IN THE LIGHT OF THE BASIC PRINCIPLES OF THE EUROPEAN UNION

Article 12 is problematic in the light of the principle of subsidiarity, and it should be taken into account that, according to the European Union treaties, the Union's role in cultural issues is only to support, coordinate or supplement the actions of the member states. The public lending remunerations are an issue of cultural politics in all the countries supporting this petition.

IT MAY HAVE UNDESIRABLE EFFECTS TO THE WAYS USE OF LITERATURE WILL BE REMUNERATED IN THE FUTURE

As it is impossible to foresee the ways literature will be used in the future, the undesirable effects of the compensation for publishers prescribed in the Article 12 have to be taken into account.

The member states of the European Union have a wide array of legislative arrangements and principles for the copyright remunerations, which in their part enable livelihood for authors and the development of national culture. These structures have developed to support each country's unique cultural field, and especially in small language areas, it would be fatal to destroy practices that have proven to be effective.

The copyright and authors' organizations in the signing countries appeal to the members of the European parliament to remove article 12 from the DSM Directive. If it is not possible to move the article from the directive, the member state discretion must be secured and the original wording of the Commission must not be changed to the detriment of authors.

OCTOBER 11, 2017

THE SIGNEES (IN ALPHABETICAL ORDER):

BULGARIA

Union of Bulgarian writers

CROATIA

Croatian Literary Translators' Association | Croatian Writers Society

CZECH REPUBLIC

DILIA – Theatre, Literary, Audiovisual Agency, Association

CYPRUS

Writers' Union of Cyprus

ESTONIA

Estonian Writers' Union

FAROE ISLANDS

Fjølrit – The Faroese Copyright Society | RIT – Society of Faroese Authors

FINLAND

The Association of Finnish Non-fiction Writers | Finnish Association of Translators and Interpreters | Grafiä – Association of Visual Communication Designers in Finland | Kuvittajat – the Finnish Illustration Association | Sanasto – Finnish Literary Copyright Society | Society of Swedish Authors in Finland | The Union of Finnish Writers

GERMANY

Freelens e.V. – German Association of Freelance Photographers | Freischreiber – German Association of Freelance Journalists

GREECE

Hellenic Authors' Society

HUNGARY

Hungarian Literary Authors' Collecting Society

ICELAND

The Writers' Union of Iceland

ITALY

Federazione Unitaria Italiana Scrittori – Italian Writers' Federation

LATVIA

The Writers' Union of Latvia

LITHUANIA

The Lithuanian Association of Literary Translators

MALTA

Maltese Language Academy | National Book Council, Malta

NORWAY

Grafill – Norwegian organisation for visual communication | NOPA – the Norwegian Society of Composers and Lyricists | Norwegian Authors' Union | Norwegian Association of Literary Translators | The Norwegian Non-Fiction Writers and Translators Association | Norwegian Society of Composers | Norwegian Writers for Children | Writers' Guild of Norway

POLAND

Association of Polish Writers

ROMANIA

The Writers' Union of Romania with its Literary Translators' branch

SLOVENIA

Slovene Writers' Association | Slovenian Association of Literary Translators

SPAIN

ACE – Association College of Writers | The Association of Catalan Language Writers | Basque Writers' Association

SWEDEN

ALIS – Administration of Literary Rights in Sweden | KLYS – The Swedish Joint Committee for Artistic and Literary Professionals | The Swedish Association of Educational Writers | The Swedish Association of Professional Photographers | Writers Guild of Sweden

BULGARIA

Union of Bulgarian Writers



Boyan Angelov
Chairman

CROATIA

Croatian Literary Translators' Association



Petra Mrduljas Dolezal
President

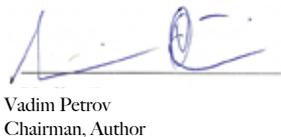
Croatian Writers Society



Nikola Petković
President

CZECH REPUBLIC

DILIA – Theatre, Literary, Audiovisual Agency, Association



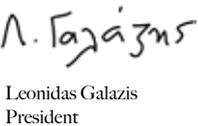
Vadim Petrov
Chairman, Author



Jiri Srstka
Executive Director

CYPRUS

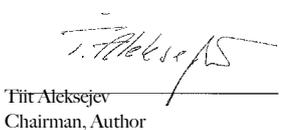
Writers' Union of Cyprus



Leonidas Galazis
President

ESTONIA

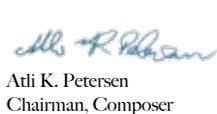
Estonian Writers' Union



Tiit Aleksejev
Chairman, Author

FAROE ISLANDS

Fjølrit – The Faroese Copyright Society

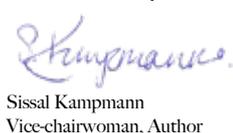


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RIT – Society of Faroese Authors



Sissal Kampmann
Vice-chairwoman, Author



Helle Thede Johansen
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GERMANY

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Executive Director

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Federazione Unitaria Italiana Scrittori – Italian Writers' Federation



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LITHUANIA

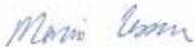
The Lithuanian Association of Literary Translators



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Maltese Language Academy



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Joseph P. Borg
Secretary

National Book Council, Malta



Mark Camilleri
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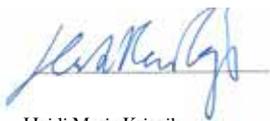


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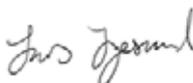


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Ulrika Källén
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Wiwi Ahlberg
Chairwoman, Author



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