

# **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):

### **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 | Grafia – 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**

Graffil – 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

## CROATIA

Croatian Literary Translators' Association



Petra Mrduljaš Doležal  
President

Croatian Writers Society



Nikola Petković  
President

## CZECH REPUBLIC

DILIA – Theatre, Literary, Audiovisual Agency, Association



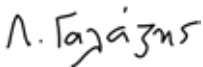
Vadim Petrov  
Chairman, Author



Jiri Srstka  
Executive Director

## CYPRUS

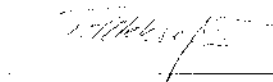
Writers' Union of Cyprus



Leonidas Galazis  
President

## ESTONIA

Estonian Writers' Union



Tiit Aleksejev  
Chairman, Author

## FAROE ISLANDS

Fjølrit – The Faroese Copyright Society

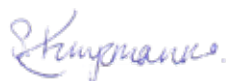


Atli K. Petersen  
Chairman, Composer



Helle Thede Johansen  
Board Member, Author

RIT – Society of Faroese Authors



Sissal Kampmann  
Vice-chairwoman, Author



Helle Thede Johansen  
Secretary, Author

## FINLAND

The Association of Finnish Non-fiction Writers



Markku Löytönen  
Chairman, Author



Jukka-Pekka Pietiäinen  
Executive Director

Finnish Association of Translators and Interpreters



Heikki Karjalainen  
Chairman, Author



Kristiina Antinjuntti  
Executive Director

Grafia – Association of Visual Communication Designers in Finland



Antero Jokinen  
Chairman, AD



Katri Soramäki  
Executive Director

Kuvittajat – the Finnish Illustration Association



Sari Airola  
Chairwoman



Heli Halme  
Executive Director

Sanasto – Finnish Literary Copyright Society



Virpi Hämeen-Anttila  
Chairwoman, Author



Anne Salomaa  
Executive Director

Society of Swedish Authors in Finland



Peter Sandström  
Chairman, Author



Johanna Sandberg  
Executive Director

The Union of Finnish Writers



Jyrki Vainonen  
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Suvi Oinonen  
Executive Director

## GERMANY

Freelens e.V. – German Association of Freelance Photographers



Lutz Fischmann  
General Manager

Freischreiber – German Association of Freelance Journalists



Carola Dörner  
Chairwoman



Peter Neitzsch  
Board Member

## GREECE

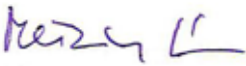
Hellenic Authors' Society



Liana Sakelliou  
Executive Member of the Board, Author

## HUNGARY

Hungarian Literary Authors' Collecting Society



Sándor Mészáros,  
Chairman, Author



Árpád Kollár, Executive  
Director, Author

## ICELAND

The Writers' Union of Iceland



Kristín Helga Gunnarsdóttir  
Chairwoman, Author



Ragnheiður Tryggvadóttir  
Executive Director

## ITALY

Federazione Unitaria Italiana Scrittori – Italian Writers' Federation



Natale Rossi  
Chairman, Author



Simone Di Conza  
Executive Director, Author

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Arno Jundze  
Chairman, Author

## LITHUANIA

The Lithuanian Association of Literary Translators




Rasa Matulevičienė  
Chairwoman

## MALTA

Maltese Language Academy



Dr Mario Cassar  
President



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Mark Camilleri  
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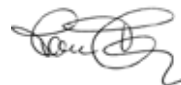


Vigdis Skogli  
Executive Director

NOPA – the Norwegian Society of Composers and Lyricists




Ingrid Kindem  
Chairwoman, Composer and Songwriter



Tine Tangestuen  
Executive Manager

Norwegian Authors' Union

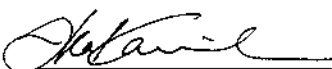


Heidi Marie Kriznik  
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Jorgen Karlstrom  
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Lars Igesund  
Executive Director

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Taran L. Bjornstad  
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Writers' Guild of Norway

Monica Boracco  
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Eli Bangstad  
Acting Chief Executive

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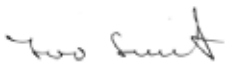
The Writers' Union of Romania with its Literary Translators' branch



Nicolae Manonescu  
Chairman, Author

**SLOVENIA**

Slovene Writers' Association



Ivo Svetina  
President



Slovenian Association of Literary Translators



Durda Strsoglavce  
Chairwoman

## SPAIN

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Manuel Rico  
President

The Association of Catalan Language Writers



Bel Olid  
President

Basque Writers' Association



Jasone Osoro  
Chairwoman, Author



Oier San Martin  
Executive Director

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Helen Asker  
Managing Director

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Marika B Lagererantz  
Chairperson, Actor/Director



Ulrika Källén  
Secretary General

The Swedish Association of Educational Writers



Wiwi Ahlberg  
Chairwoman, Author



Jenny Lundström  
Executive Director / Chief Legal Officer

The Swedish Association of Professional Photographers



Ann-Katrine Almqvist  
Chairwoman



Åsa Anesäter  
Executive Director

Writers Guild of Sweden



Pia Gradvall  
Chairwoman



Susin Lindblom  
Managing Director