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. Pub-
lishers 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 contrac-
tual 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 re-
muneration, 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 profes-
sion. 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 CONTRADICTORY
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 | 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
Grafikk – 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

Any organization willing to join this petition may contact Sanasto – Finnish Literary Copyright Society: info@sanasto.fi
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President

CZECH REPUBLIC
DILIA – Theatre, Literary, Audiovisual Agency, Association

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Executive Director

CYPRUS
Writers’ Union of Cyprus

Leonidas Galazis
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FAROE ISLANDS
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RIT – Society of Faroese Authors

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Helle Theløe Johansen
Board Member, Author

Helle Theløe Johansen
Secretary, Author
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Grafia – Association of Visual Communication Designers in Finland

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GREECE

Hellenic Authors’ Society

Lama Natafisou
Executive Member of the Board, Author

HUNGARY

Hungarian Literary Authors’ Collecting Society

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Director, Author

ICELAND

The Writers’ Union of Iceland

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Executive Director

ITALY

Federazione Unitaria Italiana Scrittori – Italian Writers’ Federation

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LATVIA

The Writers’ Union of Latvia

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LITHUANIA

The Lithuanian Association of Literary Translators

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MALTA

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Taran L. Bjørnstad
President

Writers’ Guild of Norway

Monica Boracco
Chairwoman, Author

Eli Bangstad
Acting Chief Executive

POLAND

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Anna Nasiłowska
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Ivo Svetina
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Durda Smoglavec
Chairwoman

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President

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Bel Olid
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Chairperson, Actor/Director

Ulrika Källén
Secretary General

The Swedish Association of Educational Writers

Wiivi Ahlberg
Chairwoman, Author

Jenny Lundström
Executive Director / Chief Legal Officer
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