



DECLARATION TOWARDS A MODERN, MORE EUROPEAN COPYRIGHT FRAMEWORK

and the

NECESSITY OF FAIR CONTRACTS FOR CREATORS BRUSSELS, 31 MAY 2016

Preamble

We, members of the Authors' Group, representing more than 500 000 authors, including writers, literary translators, composers, songwriters, journalists, screenwriters, film and TV directors in Europe,

welcome the European Commission's Communication entitled "Towards a modern, more European copyright framework", published on 9 December 2015 and

welcome the European Commission's study on the "Remuneration of authors and performers for the use of their works and the fixation of their performances", published on 24 July 2015, as well as similar studies such as "Contractual Arrangements Applicable to Creators: Law and Practice of Selected Member States" published by the European Parliament in 2014,

and in this respect bring to the attention of the European Commission and the European Parliament the following Declaration:

Reiterating that works of art start with the creative work of authors and are essential contributions to the building of national, regional and local cultures, to the sustainability of those cultures and to the development of Europe's cultural and creative industries,

We, authors: writers, literary translators, composers, songwriters, journalists, screenwriters, film and TV directors from all over Europe:

Reaffirm that a creative work, irrespective of its length, quality and completeness, is the result of talent, inspiration, imagination, intellectual reflection, dedication and experience. It also results from a process requiring time, skills and judgment.

Stress that authorship is the main pillar and prime justification for authors' rights and copyright as a legal regime, providing a set of exclusive rights for a term of life and 70 years from the death of the author.

Nonetheless, we observe with great concern the persisting imbalance between the parties' bargaining power in copyright contracts' negotiations to the detriment of authors.

This affects the authors' remuneration and fair share in the exploitation of their works. In most instances, authors' contracts lack provisions allowing them to renegotiate their terms, particularly in case of use of the work in additional formats and commercial success beyond expectations.

In that regard, we cannot accept the lack of accurate reporting of financial revenue streams generated by the exploitation of the authors' works: without transparency, authors cannot identify the proper economic value of their rights.

We observe that unfair contractual practices also have an impact on consumers' behavior. As they become aware that authors are not fairly remunerated, the lack of certainty that their money reaches creators, can lead consumers to disregard the legal offer of works, particularly in the online environment.

With this in mind, we call for a stable and fair European copyright framework for the benefit of authors, a framework that diminishes the value gaps between authors and publishers, producers and broadcasters, a framework which stimulates the creative process and brings transparency in authors' remuneration schemes.

The European copyright framework must assert the role of authors as the source of the creative industries, which provide 7 million jobs in the EU, by strengthening the bargaining position of authors when dealing with the first intermediaries of the value chain.

We call upon the European Commission to implement the recommendations of the European Commission's study on the Remuneration of Authors and Performers for the use of their works and the fixation of their performances, published on 24 July 2015 and we look forward to the forthcoming EC study for the text and book sector.

We also encourage the European Commission to further harmonise transparent and fair remuneration schemes for authors throughout the EU, as the different copyright contract laws throughout EU Member States create an unlevel playing field, detrimental to authors and consequently detrimental to the EU Single Market.

We therefore fully support and commit to an intensified collaboration and dialogue with all parties involved.

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