

European Commission
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SUBMISSION ON COMMUNICATION ON ‘i2010 DIGITAL LIBRARIES’

The European Writers’ Congress is the Federation of 56 writers’ associations in 29 countries of Europe, representing some 55 000 professional writers and literary translators. We thank the European Commission for the opportunity to comment on the Communication on ‘i2010 Digital Libraries’, and our comments will address questions concerning books, journals and audio-visual works. We support the submission made by the International Federation of Reproduction Rights Organisations (IFRRO) of which the EWC is a member. We shall not repeat IFRRO’s arguments but we would like to stress that we are somewhat surprised that the option of co-operating with already existing collecting societies to address the legal challenges of digitisation of copyright protected works, is not commented on in the Communication.

The European Writers’ Congress, which represents authors of all types of literary works, both fiction and non-fiction, strongly supports the Commission’s initiative to make Europe’s cultural and scientific record accessible to all as a worthy venture, and we would start by asking for the EWC to be represented on the High Level Group on Digital Libraries that the Commission is planning to set up. After all, it is to a large extent our works and our rights that

are in question and we would be very happy to contribute to work out new models to ensure access to digital content with a fair remuneration to the right holders.

Free access, fair remuneration

We would like to start by discussing the role of authors and the role of libraries in our society. We gather that few groups are more intensive library users than authors; as writers we – the living and creative generation of authors, who constantly provide the libraries with new material - are totally dependent on good and accessible libraries. The economic importance of libraries – and their content - is time and again stressed in the Communication; we would like to emphasize strongly the cultural and social aspects and to add that stimulating the reading culture for future generations in Europe must be an end in itself; not only a means to achieve economic goals. Freedom of speech and information are core European values and we must see the striving to digitise our culture and knowledge as an effort also to strengthen the civil sector in our societies. Encouraging the use of libraries may be as important to increase Europe's wisdom as her wealth.

We also strongly support the UNESCO Public Library Manifesto: “The public library should in principle be free of charge” (for the user). Authors should receive remuneration for the use of their work through Public Lending Right, but authors throughout the EU still don't have equal opportunities to benefit from PLR, as some EU Member States have not yet implemented the 1992 Lending Directive. If our works are digitised and made freely accessible, we are just as entitled to a version of PLR as if physical copies are made available from physical buildings. The European Writers Congress' also urge the Commission to once again look into the question of introducing a form of *domaine public payant*, if there is to be a massive digitisation of work in the public domain. The European Writers' Congress has for

years advocated an introduction of a modern form of paying public domain; called the Authors' Communal Right (ACR).

Opportunities or obstacles?

When reading the Communication, one can occasionally get the feeling that copyright is seen more as an obstacle than an opportunity, as 'a disincentive for digitisation'; although we appreciate that the Communication is very clear that the Commission will fully respect intellectual property rights and not support any initiative that could infringe the legitimate interests of the rights holders. We fully agree that 'solutions have to be found that respect the legitimate interests of creators, while enabling full use of the new technology.'

Today some even question the very concept of copyright, implying that authors are standing in the way of progress and the free flow of information. As writers, we need copyright and the incentive, both moral and financial, it gives us to keep writing. Our rights must not be confiscated under a mistaken apprehension that they are detrimental to society and that society, i.e. libraries, has the right to use our work for free.

The controversial Google initiative has stimulated a debate in many European countries and emphasized the need for a co-ordinated effort at a European level to digitise cultural and scientific content and to agree on a very specific action plan. We strongly believe that it is important for the public sector, i.e. public libraries, both at the national and community level to counter Google's private initiative; which, by the way, is mainly dealing with books written in English. There is obviously a need to co-ordinate the efforts of the national and deposit libraries and to agree on common standards. We would also like to stress the importance of preserving Europe's cultural and linguistic diversity and we urge the Commission to extend its support to initiatives to improve OCR systems to languages other than English, so as to stimulate the linguistic diversity.

We believe it might be necessary for national governments and the Commission to subsidise public initiatives in order to achieve the goals stated in this Communication.

Addressing the rights issue right

We challenge the Commission to work out an ambitious agenda for digitisation and although we fully understand why the Communication proposes to start this process by concentrating on works in the public domain, it is, in our view, equally vital to address the intellectual property rights of living authors at the same time. Library users should not be offered only books in the public domain in a digital format. We will likewise underline that for the vast majority of copyright protected works the digital rights are still with the author and not with the publisher. Authors, when the rights are with them, might wish to authorise digitations and make their works available to libraries on reasonable terms. Authors want their works to be read and used and thus give titles which are no longer available in the market place, a new life. We would also, as the Commission Staff working document do, point out that the extended collective licensing might provide a solution to the non-commercial use of the so-called 'orphan works'.

'Digitise once, distribute widely' seems to be a rational strategy, but who is to co-ordinate the efforts and minimize the risks for unauthorized reproduction that a widespread distribution may pose? There is a need to work closely on these matters with the organisations of rightholders, and the European Writers' Congress would be glad to participate.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Trond Andreassen', written in a cursive style.

Trond Andreassen.
President of the EWC

