

EUROPEAN WRITERS' CONGRESS

THE FEDERATION OF EUROPEAN WRITERS' ASSOCIATIONS

CONGRES DES ECRIVAINS EUROPEENS

LA FEDERATION DES ASSOCIATIONS

EUROPEENNES D'ECRIVAINS



Mr. Simon Walker
Office of the High Commissioner
for Human Rights
8-14 avenue de la Paix
CH 1211 GENEVA 10
SCHWEIZ

fax *41-22-917 9010

JOCHEN KELTER
PRESIDENT
c/o SWISS WRITERS' UNION
OLTEN GROUP
TEL.: *41-52-728 8933
FAX: *41-52-728 8932
LORE SCHULTZ-WILD
GENERAL SECRETARY
KONRADSTR. 16
D 80801 MÜNCHEN
TEL: *49-89-345 581
FAX: *49-89-392 094
e-mail: EWC.lsw@t-online.de
<http://european-writers-congr.org>

Ref:

United Nations Economic and Social Council

E/CN.4/SUB.2/RES/2000/7

17 August 2000

Intellectual property rights and human rights

Sub-Commission on Human Rights resolution 2000/7

The European Writers' Congress/EWC is the Federation of 50 writers' associations in 27 countries of Europe, representing more than 50.000 individual authors and literary translators.

The European Writers' Congress greatly appreciates the invitation to comment on Resolution E/CN.4/SUB.2/RES/2000/7 of the Sub-Commission on the Promotion and Protection of Human Rights.

We applaud the affirmation of the Sub-Commission that the right to protection of moral and material interests of authors is a human right as stated in Article 27 paragraph 2 of the Universal Declaration of Human Rights.

We consider that

1. In general there must be a just balance between the interests of individual authors and the interests of society at large.
2. All individual creative authors should be treated equally, whatever their race, religion, cultural, social or economic background.
3. Rights in the creative productions of indigenous communities should be respected.
4. Intellectual property rights cover a wide field of productions, some of them of an artistic nature resulting from the author's own intellectual creation,

and others from investment of skill, expertise or resources in industrial or commercial productions, and consequently the respective interests of owners of such rights is not the same in all cases.

5. The balance of the interests of the individual creative author and the interests of society at large should be judged separately from the balancing of the interests of owners of other intellectual property rights such as patents and rights in biological productions.
6. The provisions of the TRIPS Agreement concerning the protection of intellectual property rights should be subject of separate analysis and adjudication in assessing the balance between the interest of owners of these rights and the interests of the public.

We urge the Secretary General in his report to the Sub-Committee at its 53rd Session:

1. to draw attention to the fact that the existence of all cultural material consisting of literary, dramatic, musical and artistic works depends upon the creations of individual authors and that the protection and sustaining of authors' rights to the greatest degree possible is therefore the major priority for the preservation and development of the cultural heritage of mankind;
2. to indicate that the European Writers' Congress/EWC believes that, in serving humanity, authors should contribute to all means for ensuring the wider public dissemination and availability of their works, but that any exceptions in this area should be assessed separately from those applying to other intellectual property rights and should be confined to certain special cases which do not conflict with the normal exploitation of the authors' works and do not unreasonably prejudice their legitimate interest.

May 21, 2001

Jochen Kelter
President
EWC

Maureen Duffy
Vice-President
EWC

Hans Peter Bleuel
Vice-President
EWC

Lore Schultz-Wild
General Secretary
EWC