



EWC-FAEE AISBL

NEWSLETTER II – OCTOBER – 2008

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Editor: Myriam Diocaretz, Secretary-General

**European Writers' Council
La Fédération des associations européennes d'écrivains**



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De Stichting Literaire Rechten Auteurs (Stichting LIRA, The Netherlands) and
Norsk faglitterær forfatter- og oversetterforening (NFF) / Norwegian Non-fiction Writers and Translators Association

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WELCOME TO THE EWC-FAEE AISBL NEWSLETTER II - OCTOBER 2008

We hope that the information contained in these pages is of interest to you and your constituency, as well as to our allied and partners, to authors (writers and translators), creators, to cultural organisations, and interested individuals at large.

The EWC-FAEE Secretariat welcomes Members' and cultural organizations' issues, reports and statements that can be of interest to or may require the support from authors and its associations. Please contact directly m.diocaretz@inter.nl.net
Your contributions and feedback are most welcome!

Editor:

Myriam Diocaretz

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FROM THE EWC, ITS MEMBERS, PARTNERS AND ALLIES

THE BUCHAREST 2008 PLR RESOLUTION

5TH European Public Lending Right Conference Bucharest, 19-21 September 2008

This Conference brought together representatives of authors' organisations and other agencies from over 20 European Union member and candidate states. The meeting was organised under the aegis of the European Writers Council (EWC-FAEE AISBL). The Conference reviewed the progress of Member States in implementing the PLR provisions of Directive 92/100/EEC on Rental, Lending Rights and Piracy (codified in **Directive 2006/115/EC** of the European Parliament and the Council, of 12 December 2006 [OJ L 376, 27.12.2006, P. 28) during the year since the Conference's last meeting in Budapest in April 2007.

The Conference deplores the continuing failure or delay of several Member States, in particular Cyprus, Greece, Hungary, Italy, Poland, Portugal and Romania, to fully and effectively implement the PLR provisions of the 1992 Directive so that authors may receive their legal and material remuneration. We also call on non-EU countries like Switzerland and EU candidate countries such as Croatia to implement PLR schemes for their authors.

The failure of these countries to meet their legal obligations and introduce PLR systems is in marked contrast to the situation in other Member States where PLR is now a great success story and where PLR remuneration provides vital support for authors' creativity and for their livelihoods. These include the longer-established PLR systems in the Scandinavian countries, Germany and the UK, but also the newer PLR systems in countries like France, Slovenia and Estonia where PLR is now making a real difference to authors' lives.

We are therefore disturbed that the report of the European Commission¹ suggests that no further action is needed on PLR, in spite of the fact that not all countries have satisfactory operational schemes. We call upon the Commission to undertake in 2009 a review of the Directive's implementation, and to renew its efforts to ensure that the Directive is fully complied with in every member state.

¹ Report prepared for the Bucharest PLR Conference by Conal Clynnch, Administrator in Internal Market and Services D1 Directorate General, Copyright and Knowledge-based Economy Unit.

Organisations Represented at the Conference

European Writers' Congress – "EWC-FAEE A.I.S.B.L."
NFF - The Norwegian Non-Fiction Writers' and Translators' Association
AELC - Associació d'Escriptors en Llengua Catalana
ALCS - The Authors' Licensing and Collecting Society
CEDRO - Centro Español de Derechos Reprográficos
Czech Association of Professional Artists' Organisations
Czech Translators' Guild
Czech PEN
DILIA - Authors' Licensing and Collecting Society
European Council of Artists
The Irish Writers' Union
LATGA-A, Agency of Lithuanian Copyright Protection Association
AKKA/LAA - Latvian authors' society
HLACS - Hungarian Literary Authors' Collecting Society
Norwegian Authors' Union
Slovene Writers' Association
Swedish Writers' Union
Writers' Union of Romania
Authors' Remuneration Fund of Estonia
SNS - Sindacato Nazionale Scrittori
SPA - Sociedade Portuguesa de Autores

Open Letter of the European Creative Community to the European Parliament on the Telecommunication Package Review

Note from the editor: The EWC together with other European Creator's organisations submitted a statement to all the Members of the European Parliament on the 29th of August 2008, Brussels.

Dear Members of the European Parliament,

The vote on the Telecommunication Package Review in the leading committees (ITRE and IMCO) on July 7th brought some positive amendments to the revision of the 2002 directives. Nevertheless, it remains unsatisfactory regarding several elements which are of the utmost importance for the European creative community whose works highly contribute to the development of the electronic communications and services. These elements need to be addressed at the September plenary session.

We represent authors and independent producers who deserve greater benefits from the Internet, particularly for the distribution of their works as well as the development of new business models for European works. The most important tool at the disposal of the creative community is intellectual property rights to safeguard their works. These rights have been threatened on the web because lots of web users have lost respect for them and consider that illegal downloading does not harm the creative community. This is false. Illegal downloading harms the European creative community and prevents the development of business models for legal online offers.

In this context, the creative community calls on all stakeholders, including telecommunication operators, to work together to find the best ways to deter massive online piracy and to develop legal alternatives for consumers. Dialogue and co-operation is only possible if the Telecom Package creates the appropriate conditions which will foster awareness on this issue.

Therefore, we would like to inform you by this letter of the amendments considered as essential by the European creative community and we invite you to support them in the perspective of the September Plenary vote.

1. INFORMATION ON THE RESPECT FOR COPYRIGHT

Compromise amendments, proposed by the draft person, MEP Malcolm Harbour were adopted in IMCO committee in order to supersede article 20.6 proposed by the Commission in the Universal Service Directive. In spite of our strong support to article 20.6, we have been convinced that the compromise amendments proposed by MEP Malcolm Harbour and adopted in IMCO on July 7th are the only ones acceptable by all interested parties (amendments 62 and 67). Furthermore, it reinforces subscribers' information about their rights and obligations in article 21.4a (amendment 76).

Indeed, it is indispensable to inform subscribers in their contract on the use of electronic communications networks and services to help them prevent that they carry out unlawful activities; it is equally important to distribute public interest information on prejudicial activities for the rights and freedoms of others, including copyright.

This general information is not directed in particular at copyright infringers, but will be sent to all subscribers. Therefore, these provisions cannot be compared in any way to the “French graduated response” which has been proposed by the French government in a draft law on June 18, 2008. We would like to add in this context that it is not the purpose of the European creative community to incorporate the “French graduated response” in the Telecommunication package.

In addition, we call on you to reject amendment 120 of the ITRE committee report which deletes point 19 of the Annex I of the Authorisation directive introduced by the Commission. This provision incorporates the respect of implementation laws of intellectual property directives as a possible condition for an authorisation to be given to a telecom operator and should be maintained.

2. THE COOPERATION FOR THE PROTECTION AND PROMOTION OF LAWFUL CONTENT

Despite its adoption in four out of five opinion committees (IMCO 26, JURI 14, CULT 20 and LIBE 28), the so-called “cooperation amendment” was not adopted by the ITRE committee on July, 7th with just one vote of majority (amendment 308).

The European creative community considers that this amendment would be a great opportunity for all interested parties in the electronic communications sector to create a constructive dialogue in order to contribute to the development of creative content online.

It seems that some MEPs believe that this amendment aims to introduce in European law the French graduated response mechanism. The European creative community would like to stress that the “cooperation amendment” only aims at creating a dialogue in each Member State between the sectors concerned by entrusting the National Regulatory Authorities with the mission of ensuring it. This amendment will not, in any case, set up any obligation concerning the form and the results of this dialogue.

Amendment 61 adopted by the ITRE Committee, which refers to article 33 of the Universal Service Directive is not enough in this context. Cooperation will only take place if it is clearly part of the mission of the National Regulatory Authorities to ensure it. A simple reference to article 33 of the Universal Service Directive related to the consultation of interested parties on consumers’ information does not create any competence of the National Regulatory Authorities to ensure cooperation.

In addition, article 33 of the Universal Service Directive modified by amendment 112 of the IMCO report, only refers to cooperation for the promotion of lawful content; the term “protection” has been deleted. We consider that both aspects “promotion” and “protection” are inseparable. Protection of lawful content is necessary to ensure its promotion. The 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions refers to both terms as you cannot promote something that you do not respect and protect.

Therefore, the European creative community urges you to support a cooperation amendment which should be tabled again in the plenary, in line with the one tabled by Mrs. Vlasto, Mr.

Belet and Mrs. Hieronymi in the ITRE committee (amendment 308) and adopted in four opinion committees (IMCO 26, JURI 14, CULT 20 and LIBE 28).

3. THE APPROPRIATE BALANCE BETWEEN THE RESPECT OF PRIVACY AND THE PROTECTION OF COPYRIGHT

We deeply regret that the opinions of the different committees on the privacy issue were taken into account neither by the Civil Liberties nor by the Internal Market committees. Indeed, two of them aimed at integrating into the “privacy directive” the lessons taken from the European Court of Justice in its decision in the *Promusicae v. Telefonica* case.

The first one, which has been tabled and adopted by the Civil Liberties committee, incorporates a new amendment 30 b in the privacy directive (amendment 35 of the IMCO report) which states that When implementing measures transposing Directive 2002/58/EC, the authorities and courts of the Member States shall not only interpret their national law in a manner consistent with that Directive but also make sure that they do not rely on an interpretation of that Directive which would be in conflict with other fundamental rights or general principles of Community law, such as the principle of proportionality. This amendment should be confirmed in the plenary.

The second one, adopted in two opinions’ committees (JURI 32 and CULT 15) but not in the LIBE committee, should be tabled again for the plenary. It would contribute to clarify the reference to the 1995 framework privacy directive in article 15.1 of the 2002 privacy directive. It would therefore establish a better balance between the respect for intellectual property rights and privacy protection, by providing the possibility for an exception to the confidentiality of private data in order to protect the rights and freedom of others.

This amendment is essential to clarify the relationship between the two fundamental rights. It is also appropriate and balanced since article 15.1 on one hand already provides that the exception will be strictly limited to necessary, appropriate and proportionate measures and on the other hand, only gives Members States the possibility to introduce such an exception into their legislation.

The European creative community represented by our organisations calls on your support for those amendments at the plenary vote in September. The development of the European electronic communication networks and services cannot be done at the expenses of the European artists and creativity.

Yours sincerely,

Signatories:

CEPI – European Coordination of Independent Producers
www.cepi.tv

ECSA – European Composer and Songwriter Alliance
www.composeralliance.org

EPC - European Producers Club
www.europeanproducersclub.org

EUROKINEMA - Association de Producteurs de Cinéma et de Télévision
www.eurocinema.eu

EVA – European Visual Artists
www.evartists.org

EWC-FAEE - European Writers' Council
www.european-writers-congress.org

FERA – Federation of European Film Directors
www.ferainfo.org

FSE – Federation of Screenwriters in Europe
www.scenaristes.org

IMPALA – Independent Music Companies Association
www.impalosite.org

UNI-MEI – Global Union in Media, Entertainment and Arts
www.union-network.org/mei

Authors and Collective Management in the Digital Era² **John Erik Forslund, President of the European Writers' Congress (EWC)**

When saluting CEDRO in connection with its 20 years of service to rightholders and users of copyright protected works I come to think of another birthday event. It was at a conference in Budapest in 2002. The occasion, the European Writers' Congress celebrating its 25 years in service of "l'artisan de la parole" – the EWC being the federation of about 50 writers and translators organisations throughout Europe.

At the Budapest conference, an interesting intervention was held by Professor Adolf Dietz of the Max Planck Institute in Munich. It was entitled: The five pillars of modern European Copyright (Authors' Rights) protection. The five pillars were Substantive copyright/Authors' rights, Neighbouring rights, Copyright contract law, Collecting societies law and Enforcement.

Dietz called attention to the fact that copyright contract law was not very developed in many countries. This was nothing new for the writers present but it was reassuring to hear it from such a reliable outside source. Professor Dietz also found the proclaimed iron principle of freedom of contract valid only in cases where there was power parity between the parties of a contract. What is more, he called for civil law rules to compensate structural imparity between contracting parties. As an example, he then presented the German initiative to amend the contract law parts of the copyright Act in order to secure equitable remuneration for the author.

Professor Dietz was also sceptical about the criticism placed on collecting societies. He found that these societies were advantageous in relation to the concept of direct individual management of rights (in particular, through the Internet) and dismissed doubts about their possibility to really function. It was of Dietz's opinion that authors, by way of agreements or regulations concerning the distribution of collected money, had a better chance within collecting societies to have a say and be rewarded for the use of their works. In other words, a system based on the exclusive right but managed individually by companies seemed to be less favourable for authors. Dietz concluded that authors should not easily nor too quickly give away their traditional systems of collective management.

Why make reference to a speech at a conference held six years ago? Well, for the simple reason that the subjects addressed at this conference are still relevant today. What is more, I think there are more possibilities for a joint struggle between authors' organisations and collecting societies in meeting the challenges that arise when texts are made available for the use of digital production and dissemination techniques.

Writers continually want their material to be used; they want it to be read. I think this is a relevant summary of the attitude amongst writers on the arrival of new media. When entering the digital arena, strengthening and developing authors rights and allowing the flexible development of collecting societies' activities will play a decisive role for the maintenance of the cultural hallmark of the traditional book market – pluralism in creation, dissemination and readership. Diluted authors' rights will not serve these purposes. A firm legal basis starting

² First publication in the Spanish language, John Erik Forslund, "Autores y gestión colectiva en la era digital," *CEDRO Boletín informativo* No. 65 Mayo-Agosto 2008, p.27.

with the author, the physical person creating a protected work and clear legal provisions helping the writer to get a fair chance to make a living out of his/her profession and to remain in control of his/her work are the necessary prerequisites to maintaining the relevance of the copyright/authors' rights system in the digital arena. As a matter of fact, even copyright pirates confess that they think the author should be paid.

It is inevitable and desirable that collecting societies, with the aim of acting transparent and being user-friendly, play an important role in a balanced development where new techniques make way for new licensing models, as well as making way for consumer demands for broad and easy access to a wide range of texts of different kinds and genres.

In April this year, at the occasion of Amsterdam becoming the World Book Capital, an international copyright symposium gave evidence to writers, publishers and librarians representatives on the challenges lying ahead. The EU flag ship project: The Digital Libraries Initiative came to serve as both an implied and pronounced test case. That six million works should be digitalised by the year 2010 gives an idea of the ambitions, costs and political will that has been put into the project. The debate also included topics that focused on different contractual provisions, the subscription model being difficult to use on the consumer market, the relevance of copyright in the internet world controlled by contracts, technical protection and digital rights management (DRM), the lack of interoperability between different DRMs, lessons to be learned from the music industry and how to make copyright work for libraries etc.

The development showing that different kinds of texts react differently in respect of digital dissemination possibilities and thus demanding different business models bring new challenges and threats. After open discussion, it was deemed that it is not the law that is the problem, it is us, and the execution of the law. One of the speakers argued: who could be against making our cultural heritage more widely available!

It was of no surprise that the symposium gave unanimous support for the copyright system. Collective licensing solutions were also welcomed and perhaps it is fair to say that authors rights issues were in focus even if the moral rights of the author were referenced just once during the two days of the symposium. For me, coming from "the North", it was interesting to hear the Dutch minister of Justice give support to the so called extended collective license provision of the copyright acts of the Nordic countries, giving the extended effect on non member rightholders to an agreement between representative rightholders organisations and user parties underpinned by the provision. He saw it as a viable provision with regard to licensing agreements concerning the so called orphan works being scrutinized as part of the Digital Libraries project.

Acting Culture

Tiziana Colusso, Member of the Board of the European Writers' Congress

A Report on the General Assembly of *Culture Action Europe* and then Conference “*European Cultural Action across Borders*,” held in Marseilles 23th-25th October 2008.

Culture Action Europe, a platform acting as “a gathering point for the cultural sector” invited its members in Marseilles for the Annual Conference and for its 16th General Assembly, the first held since the change of the name from the former EFAH (European Forum for the Arts and Heritage, created in 1992) to the more dynamic and “action-promising” new name.

The choice of the town of Marseilles, a crucial intersection point between all the cultures in the Mediterranean area, characterised by an artistic and informal way of life, was a good omen for a discussion meant to fill the actual gap between Europeans and Europe (not to use the official definitions of “civil society” and “European institutions”).

Before entering the core issues of the Conference, let us report the result of the first part of the meeting, the General Assembly of *Culture Action Europe* with the presence of some of its members (which can be individuals, national associations, trans-national networks and associate members). The General Assembly, after a report of the activity and an illustration of the “Rainbow Paper for Intercultural Dialogue” (preceding the presentation of the document to the whole audience of the meeting) resulted in the elections of the new Board of Culture Action Europe. The candidates were only four, plus two candidates standing for the confirmation for a second term; all of them reached enough scores to be elected. They are; Mercedes Giovinazzo (who was also appointed as the new President out of the first new Board meeting, the same afternoon), a very competent woman who is the Director of a Spanish cultural organization, *Interarts*, based in Barcelona, acting in the field of “applied research on cultural policies, international cultural co-operation and consultancy; Philippe Fanjas, with a strong experience in the musical field and musical education, coming from the *French Association of Orchestras*; Emina Visnic, a cultural operator who acts in Croatia through networks of cultural associations; and Rolf Witte, a committed operator in the field of Cultural Education, coming from BKJ – *German Federation for Cultural Youth Education*, and representative of BKJ in several European and UNESCO structures; the confirmed members of the Board are Pascal Brunet and Zora Jaurova. Looking at their biographies, we can notice that they are not only experienced individuals, but representatives of cultural networks, that often act in cooperation or synergy with other cultural networks. So, in some way, *Culture Action Europe* is a sort of Super-Network (Net of the Nets) that gathers through its board members and ordinary members a dizzying amount of the cultural sector networks.

Of course, this opens great possibilities to orchestrate work and issues, but some of the members seemed also to be aware about the danger of developing – to use the word “net” in its oldest sense – a strong *net* without any concrete *fish* in it. This kind of danger has been part of the issues discussed by the speakers (a qualified list of cultural operators, politics representatives and regional voices) and the audience, composed of *Culture Action Europe* members and local artists and performers. All of them were aware that the cultural sector has to participate somehow in the elections process for the next European Elections that will be held in May 2009, and that this process will be fruitful for the sector only if the cultural actors are willing to think again Europe in deep terms of political philosophy, and not only as

a “financing window”, as was said by Catherine Lalumière, a lady with a long European career: she was Secretary General of the Council of Europe, member and even vice-president of the European Parliament, with an action focused on Human Rights and Cultural Diversity. She addressed the Marseille auditorium with a passionate speech that tried to overcome the complex European mechanisms and to go straight to what is called “the necessity of a soul for Europe”. This formula – abstract as all formulas – implies a wide range of considerations on the political, economical, ethical process of European identity, and the place of the culture in it. Mrs Lalumière advocated a greater attention (and funding) for culture from the European institutions, but underlined also the urgent need to come back to the level of “politics philosophy” that rooted the very first construction of Europe, made by the Fathers of Europe, like Altiero Spinelli and others). She reminded the audience that the first text adopted in 1950 was the Human Rights Declaration, and that only after, with the Treaty of Rome, Europe began to focus mainly of economy issues. Now, after the failure of the Referendum consultation and the discovery of a deep gap between European citizens and European institutions, this ethics, the philosophical and cultural roots have to be taken again as a point of departure for any further discussion about European identity and politics. Mrs Lalumière quoted Edgar Morin and others intellectuals who give attention to Europe, but they are still very few.

Several speakers of the Marseilles Conference took again and again these issues that seem now the crucial point for our Continent, involved also in the new scenario of the Globalized World. One of the issues in this field was the creation of specific Euro-regions in order to create new strong links between regions that share common interests and purposes, in spite of national borders barriers. The accent on the regional (and macro-regional) action is of first importance to manage the impact of the globalization that weakens the national entities in broad interlinked lines of development. This reflection was already held in the last meeting organized by the *European Writers' Congress* in Trieste (just a year ago, October 2007). At that time the Euro-region in question was that of the area that gathers parts of Italy, Austria and Slovenia that have a common history and needs. Now, in Marseilles, the politicians illustrated the creation of the Euro-region Alps and Mediterranean, which brings together the Region of Marseilles, Alps, Côte d'Azur with the Italian regions Piemonte and Liguria, with an eye on the regions on the opposite border of Mediterranean Sea, mainly Maghreb regions.

Some of the speakers (and the audience's speeches) also pointed out the necessity to create mechanisms for the dialogue between concrete individuals, and not only between institutions. This is of course one of the problems of the Nets: that the accent is always put on structures instead than on individuals, and the dialogue risk to be confined only at the level of an abstract operational coordination between structures. Citizens, artists, writers, philosophers who are not organized in structures risk thus not to have a voice. But of course this is one of the unavoidable consequences of the increasing complexity of Europe as a federation of a great numbers of countries, over national structures and so on. Maybe one level on which the individual can find a voice is that of Education. One of the workshops of the Marseille Conference was dedicated to the issue of Cultural Education, education in arts and education through arts. This direct contact between European artists/writers and individuals engaged in all levels of education (from primary schools to Life Long Learning) can perhaps bring a process of “humanization” to the “Europe label”, to let citizens understand that Europe is not only a plethora of bureaucrats barricaded in their aseptic offices, dealing with abstract documents, but also something very concrete, with flesh and bones, like a musician coming from Slovakia to teach traditional instrument music to old persons in Stockholm, or so on.

Culture Action Europe can certainly contribute to this complex and challenging process, to give a soul to Europe and to let Europe have again the trust of European citizens. Its structure gathers a number of experienced and informed members, and the platform document, the "Rainbow Paper" (that will be officially presented in Paris on 18th November 2008, during the closing ceremony of the European Year of Intercultural Dialogue) contains some very good and fertile seeds to be spread in the coming years.

Germany: Translators Continue to Fight for Appropriate Payment

The conflict surrounding appropriate payment for translators in Germany has already been going on for some years now and has been a strain on everyone involved. The translators' association has now allowed the collapse of a compromise that had been negotiated with some difficulty.

An extraordinary general meeting of the Verband deutschsprachiger Übersetzer (VdÜ) held at the end of September rejected a payment proposal that after six years of dispute had been negotiated by the VdÜ (Association of German-language Literary Translators / Federal Translators Section in the trade union ver.di) and well-known German commercial publishing companies led by Joerg Pfuhl (Random House). This was because the majority took the view that for various reasons, the proposal would have brought improvements to too few translators. Or to put it another way: the proposal did not adequately implement the appropriate payment for translators as laid down in the copyright bill of 2002, according to the VdÜ.

"I am very disappointed because this means that the decision as to 'appropriate payment' is now in the hands of the judges", says Pfuhl. "Colleagues are shocked too, because we had already come a long way and believed that we had eliminated the difficulty through the clear reduction in the settlement limit." Munich publisher Antje Kunstmann went as far as to describe the decision as a "genuine act of kamikaze" on the part of the translators' association.

Waiting for a decision from the Federal Supreme Court

The years of dispute have been accompanied by countless court proceedings between translators and publishing companies which have since gone to the Federal Supreme Court – which may perhaps have the last word here too. Because Pfuhl sees no further room for manoeuvre on allocation. "With a great deal of effort, it has been possible to bring a large number of publishing companies of very different sizes down to a common denominator. Now, we'll wait and see how the court decides, and draw our conclusions from that."

The new 1st president of the VdÜ, Hinrich Schmidt-Henkel, is in favour of further negotiation, on the other hand. He takes the view that an arrangement arrived at by the industry itself would reflect expertise and a greater satisfactory impact. Schmidt-Henkel intends to use the time till the next regular general meeting in February 2009 to sound out further willingness to talk on all sides. "I see it as my task to create good opening conditions for further payment negotiations", says Schmidt-Henkel.

Source: *The Frankfurt Fair Press Release* Friday, October 10, 2008
http://www.book-fair.com/en/company/press_pr/newsletter/00786/index.html
For more information on Translation in the Frankfurt Fair website:
http://www.buchmesse.de/en/fbf/programme/key_focuses/translation/

German Meeting of VdÜ Rejects Payment Proposal / Translator's Association Elects New Committee

VdÜ Press Release, September 22nd, 2008

In their general meeting on September 20th / 21st 2008, members of the VdÜ (Association of German-Language Literary Translators section in the trade union ver.di) have rejected a joint payment proposal developed by the VdÜ's negotiating committee and publisher – Random House.

A large majority, more than two thirds of the members present, regarded this proposal as an unsatisfactory way of implementing the copyright bill of 2002, which stipulates appropriate payments for translators. Page fees could even have fallen short of the present status quo.

In addition, the general meeting elected a new committee. Henrich Schmidt-Henkel, new president of the VdÜ, comments: "as an interim committee, we hope to be able to use the time until our next regular general meeting in spring 2009 to try and evolve perspectives for a mutually acceptable, long term settlement with those publishers in favour of a joint payment arrangement".

For further information concerning the above, please write to presse@literaturuebersetzer.de or you can contact Nathalie Malzer-Semlinger at the VdÜ press office on +49 30 62723928.

Alliance for Fair Publishing Companies at the Frankfurt Book Fair

The *Alliance for fair publishing companies* (Ak Fairlag), which is constituted by nearly 50 authors' associations and other literature organisations from Germany, Austria and Switzerland, was also presented at the last Frankfurt Book Fair (15.–19 October). The Alliance creates awareness about the misconduct of certain publishing companies (the so-called vanity press).

At a public discussion on Book-Fair-Saturday, Imre Török (president of the association of German authors, Verband deutscher Schriftsteller), Gerhard Ruiss (chairperson of the Austrian association, IG Autorinnen/Autoren) and Tobias Kiwitt (speaker of the federal association of young authors in Germany, Bundesverband junger Autoren und Autorinnen) clarified the problems with the vanity press and talked about the commercial methods of such enterprises. The panel members made clear that the problem with the vanity press is a European problem in general. The German television also shot a film of the discussion.

The book fair was overshadowed by an uproar in a neighbouring booth of such a vanity press enterprise. During a telerecording of the Hessian broadcasting company, which explained the con tricks of the vanity press, the Frankfurter Verlagsgruppe August von Goethe Holding AG (one of the leading vanity press-enterprises in Germany) expelled the journalists with rude words and eventually defamed them. The lawyer of that enterprise later tried to intimidate the broadcasting company which nevertheless screened their TV report.

More information about the panel discussion can be found here (Literadio/ in German): <http://archiv.literadio.org/get.php?id=766pr1094>

Further information about the Alliance of fair publishing companies can be found here (also in English): www.ak-fairlag.com

Simon & Schuster Proposes E-Book Amendment (USA)

July 2008 - Simon & Schuster sent a one-page letter to many, perhaps thousands, of authors with unspecified e-book royalty rates in an attempt to set those rates at 15% of the "catalog retail price" of the e-book. (This is the typical e-book royalty rate for S&S.) As with any amendment to a book contract, the Authors Guild advises caution:

1. Discuss the amendment with your agent or attorney, if you have one.
2. Depending on your existing contract with Simon & Schuster, the amendment may grant the publisher rights that you've otherwise retained.
3. Be aware that the amendment may affect your ability to obtain a reversion of rights.

In any negotiation regarding e-book royalty rates, we suggest that you keep your powder dry: try to retain the right to renegotiate e-book royalty rates. The Authors Guild expects that 15% of the retail list price will be the low-water mark for e-book royalties. As the e-book market develops, authors with clout will doubtlessly insist on a more reasonable share of e-book revenues, and the industry will have to adapt. One glance at Amazon.com's home page, which has for months been ceaselessly promoting its Kindle e-book reader, indicates that this day may be near.

For further information, please send an email to staff@authorsguild.org

For more on Amazon and e-books, see [this July 4th article](#) from the San Francisco Chronicle.

Source: <http://www.authorsguild.org/advocacy/articles/simon--schuster-e-book.html>

Culture Action Europe Calls Cultural Organisations and Individuals for Endorsement of the “Rainbow Paper”

Note from the editor: Given the importance acquired in 2008 by the Rainbow Paper and the Platform for Intercultural Europe for recommendations on cultural policy at EU level, we are pleased to include here the Editorial from the Culture Action Europe Newsletter Special # 1.

Culture Action Europe made a big commitment to the European Year of Intercultural Dialogue when it initiated the Civil Society Platform for Intercultural Dialogue together with

the European Cultural Foundation two years ago. Our endeavour to reach out from the arts and create Europe-wide links with other sectors has been ambitious. To compare and coalesce intercultural dialogue practice from many domains has sometimes been testing, but is now bearing fruit. We present you with the “Rainbow Paper: Intercultural Dialogue – from practice to policy and back” through this special single–issue edition of our newsletter. Have a look, lend your support – it counts in the political work that remains to be done!

As we move from one European Year to the next, and public attention shifts from Intercultural Dialogue to Creativity & Innovation, the truly committed will separate from the temporarily interested. Constructive engagement with cultural diversity clearly remains a key challenge for our societies; and the arguments of the arts about their contribution to Intercultural Dialogue leave scope for refinement.

Sabine Frank

Deputy Secretary General and Coordinator of the Platform for Intercultural Europe

Platform for Intercultural Europe

“Rainbow Paper: Intercultural Dialogue – from practice to policy and back”

The “Rainbow Paper” proposes a 5-step path from intercultural challenges to interculturalism and makes 5 sets of recommendations: on educating and building institutional capacity for Intercultural Dialogue, on monitoring for sustained policies, mobilising across boundaries, and resourcing of Intercultural dialogue.

The role of the arts in Intercultural Dialogue makes a strong show in the paper under recommendations on informal education: The contribution of artists, the effect of works of art and the participatory processes which the arts can enable are all highlighted.

Hundreds of views from many sectors have come together in this paper. Many of you have participated, so crown the process and endorse the outcome: You can do so as an individual – a very welcome first step, and on behalf of your organisation when so authorised. We hope for lots of organisational endorsement in particular – make it happen!

LabforCulture has designed an easy endorsement process – give it a try. Please also help spread the word about the Rainbow Paper through your own communication tools.

You are invited to add your signature and give political impact to the Rainbow Paper! (Available in English, French and German). To endorse it please access the link below.

<http://rainbowpaper.labforculture.org>

EUROPEAN UNION POLICY

Antitrust: Commission Prohibits Practices which Prevent European Collecting Societies Offering Choice to Music Authors and Users

The European Commission has adopted an antitrust decision prohibiting 24 European collecting societies from restricting competition by limiting their ability to offer their services to authors and commercial users outside their domestic territory. However, the decision allows collecting societies to maintain their current system of bi-lateral agreements and to keep their right to set levels of royalty payments due within their domestic territory. The prohibited practices consist of clauses in the reciprocal representation agreements concluded by members of CISAC (the "International Confederation of Societies of Authors and Composers") as well as other concerted practices between those collecting societies. The practices infringe rules on restrictive business practices (Article 81 of the EC Treaty and Article 53 of the EEA Agreement). The Commission decision requires the collecting societies to end these infringements by modifying their agreements and practices, but does not impose fines. The removal of these restrictions will allow authors to choose which collecting society manages their copyright (e.g. on the basis of quality of service, efficiency of collection and level of management fees deducted). It will also make it easier for users to obtain licences for broadcasting music over the internet, by cable and by satellite in several countries from a single collection society of their choice.

Competition Commissioner Neelie Kroes said: "This decision will benefit cultural diversity by encouraging collecting societies to offer composers and lyricists a better deal in terms of collecting the money to which they are entitled. It will also facilitate the development of satellite, cable and internet broadcasting, giving listeners more choice and giving authors more potential revenue. However, the Commission has been careful to ensure that the benefits of the collective rights management system are not put into question in terms of levels of royalties for authors and available music repertoire."

Music authors (lyricists and composers) sign over to collecting societies the rights to manage on their behalf, worldwide, the copyright of their musical works. Based on the CISAC model contract, collecting societies have concluded reciprocal representation agreements for the collective management of the public performance rights of their musical works so that they can each offer the repertoire of all the artists represented by all the collecting societies participating in the representation agreements. The public performance rights enable authors of musical works to authorise or prohibit the exploitation of their works by commercial users such as TV channels and radio stations, and to receive royalties every time their music is played. The Commission opened an investigation following complaints from broadcasting group RTL and Music Choice, a UK online music provider.

The Commission's decision recognises the valuable role of collecting societies and does not challenge the existence of the reciprocal representation agreements. It does, however, prohibit certain aspects of those agreements as well as concerted practices among collecting societies. In particular the decision requires the 24 EEA-based collecting societies which are members of CISAC to no longer apply:

- The membership clause, currently applied by 23 collecting societies, that prevents an author from choosing or moving to another collecting society.
- Territorial restrictions that prevent a collecting society from offering licences to commercial users outside their domestic territory. These territorial restrictions include an exclusivity clause, currently contained in the contracts of 17 EEA collecting societies, by which a collecting society authorises another collecting society to administer its repertoire on a given territory on an exclusive basis and a concerted practice among all collecting societies resulting in a strict segmentation of the market on a national basis. The effect for a commercial user such as RTL or Music Choice that wants to offer a pan-European media service is that it cannot receive a licence which covers several Member States, but has to negotiate with each individual national collecting society.

The decision will allow collecting societies to compete on the quality of their services and on the level of their administrative costs (which are deducted from the money collected before it is passed on to the author). It will thus provide incentives to collecting societies to improve their efficiency.

In 2007 the Commission sought to resolve the case amicably when formal commitments were offered by CISAC and 18 collecting societies. However, interested parties' comments on the commitments were negative. In particular, broadcasters, content providers and certain collecting societies generally considered that the proposed commitments would continue to make it difficult for a commercial user to obtain a pan-European licence.

Please see links below:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1165&form>
<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/511&format=HTML&aged=0&language=EN&guiLanguage=en>

CISAC Appeals Against the European Commission's Competition Decision

CISAC (International Confederation of Societies of Authors and Composers), has asked the Court of first instance of the European Communities to annul the European Commission Decision of July 16, 2008. In parallel, 22 Authors' societies of the European Economic Area and member of CISAC have also appealed against the decision.

CISAC considers European Authors' Societies have not engaged in concerted practice that restrict competition and have therefore not violated European competition law provisions. It believes that the network of Authors' societies – organised through reciprocal representation agreements between societies – best serve creators' interest. It claims that the EC Decision

has put an end to promising initiatives of CISAC and its members to develop an alternative and consensual pan-European licensing model for online use of creative content.

Source: *IFRRO Newsletter* – Volume 11 – Number 5 – October, 2008

Better Access to Scientific Articles on EU-Funded Research: European Commission Launches Online Pilot Project

The European Commission wants to ensure that the results of the research it funds under the EU's 7th Research Framework Programme (FP7) with more than €50 billion from 2007 - 2013 are disseminated as widely and effectively as possible to guarantee maximum exploitation and impact in the world of researchers and beyond. The principle behind is that fast and reliable access to research results, especially via the Internet, can drive innovation, advance scientific discovery and support the development of a strong knowledge-based economy. The Commission has launched a pilot project that will give unrestricted online access to EU-funded research results, primarily research articles published in peer reviewed journals, after an embargo period of between 6 and 12 months. The pilot will cover around 20% of the FP7 programme budget in areas such as health, energy, environment, social sciences and information and communication technologies.

Information on the open access pilot in FP7:

- http://ec.europa.eu/research/science-society/open_access

The European Commission's Open Access Pilot for Research Articles: Frequently Asked Questions

Note from the editor: The EWC Secretariat regularly receives questions and consultations on the EU digital libraries initiative, digitisation issues and on access (free, open, access for all, etc.) projects and terminology, from its member associations or from individuals. For this reason we include here some clarifying statements, as published by the European Commission, in reference to the Pilot.

MEMO/08/548

What is open access?

Under open access policies, authors published in research publications grant free Internet access to their scientific contributions, as well as the possibility to use them, subject to proper attribution of authorship. Under open access, a complete version of the work and supplemental materials should be deposited in at least one online repository. In the pilot launched recently, open access means free of charge access for anyone over the internet to research articles resulting from EU funded research.

Open access is a natural policy approach where research is publicly funded: the results of research funded with taxpayers' money should afterwards be disseminated as broadly as possible and for free to other interested researchers and the public at large. The Commission's pilot therefore focuses on research articles resulting from research funded under the EU's 7th Framework programme for research and development ([FP7](#)).

What are the potential benefits of an open access policy for Europe?

As all research and innovation builds on earlier achievements, an efficient system for broad dissemination of and access to research publications and raw data can accelerate scientific progress. This in turn is essential for Europe's ability to innovate, to enhance its economic performance and improve its capacity to compete through knowledge on a global scale. Open access can boost the visibility of European research, give researchers access to a wider body of research literature that can be built upon for future developments, and offer small and medium sized enterprises access to the latest quality research for exploitation which will speed up commercialisation and innovation. Developing nations and institutions who cannot afford costly journal subscriptions can use open access to provide equal learning opportunities to their researchers, thereby increasing the possibility for new scientific discoveries. By helping researchers to disseminate their research results to the broadest possible audience, open access generates a broader scientific debate and can trigger the interest of the wider public and of industry. This can in turn open new avenues to the commercialisation of research results, especially for taking them beyond national borders.

Why an open access pilot?

Through FP7, the Commission is investing, between 2007 and 2013, over € 50 billion in research and expects to get the best possible return on this investment. The open access pilot launched today by the Commission will test, until the end of FP7, giving open access to research publications resulting from EU-funded research as a possible model for broader application under the next research programme, and also in the Member States. The Commission will assess and discuss experiences with the pilot and its overall impact on maximising the benefits of EU-funded research with the European Parliament, Member States and stakeholders.

Open access to what?

The Commission's open access pilot targets peer reviewed scientific journal articles that result from EU funded research. However, the concept of open access can also apply to research data, images, etc.

How will open access reward the various players involved in scientific publication?

First of all, the Commission intends to test open access policies for publicly funded research. Open access is in this context a fair return to the public on research funded with taxpayers' money. Secondly, for researchers, open access can help them to disseminate their research results to the broadest possible audience, thereby not only generating a broader scientific debate, but also potentially triggering broad public and also commercial interest into these research results. This can in turn open new ways to the commercialisation of research results, especially beyond national borders. Thirdly, open access to journal articles can be achieved in different ways, reflecting different business models of scientific publishing and different ways to get a return on investments in the dissemination system of scientific articles.

Two basic models are currently under experimentation:

- *Open access publishing*, where the costs of publishing are covered by authors (in practice usually by the funding bodies supporting them) or other sources (often university libraries) instead of readers paying via subscriptions. This type of publishing is offered by open

access journals and by "hybrid" journals (subscription-based journals offering authors the option to pay for their article to be available open access). It ensures that research articles are immediately available in open access mode as soon as they are published. Open access publishing is also referred to as "gold" open access. A listing of open access journals can be found in the Directory of Open Access Journals. (<http://www.doaj.org>)

- Self-archiving, where authors deposit the peer-reviewed manuscripts of their articles in repositories (also called open archives), to be available in open access mode, sometimes after an embargo period in order to allow publishers to recoup their investment. Self-archiving is also referred to as "green" open access. The Directory of Open Access Repositories (OpenDOAR) offers a comprehensive listing of repositories worldwide (<http://www.opendoar.org>).

The embargo periods foreseen in the context of the Commission's open access pilot (6 to 12 months after initial publication) provide a safeguard for the investment made by scientific publishers.

The Commission has carefully analysed the effects of open access policies on the scientific publishing market, both by means of a study and of a public consultation in 2006. [See http://ec.europa.eu/research/science-society/page_en.cfm?id=3185]

Which parts of FP7 will be covered by the open access pilot?

The pilot covers approximately 20% of the FP7 budget and will apply to specific areas of research under the 7th Research Framework Programme (FP7):

- Health
- Energy
- Environment
- Information & Comm. Technologies (Cognitive Systems, Interaction, Robotics)
- Research Infrastructures (e-Infrastructures);
- Socio-economic Sciences and Humanities;
- Science in Society

These research areas have a potentially high societal impact and political relevance: they can help Europe face global challenges like climate change and the management of natural resources. They also make it possible to test open access for a variety of different disciplines, including a range of natural sciences, social sciences and humanities, as well as both basic and applied research.

How will the open access pilot be implemented?

New grant agreements in the areas covered by the pilot will contain a clause requiring grant recipients to deposit peer reviewed research articles or final manuscripts resulting from their FP7 projects into their institutional or if unavailable a subject-based repository. They will have to make their best efforts to ensure open access to these articles within six or twelve months after publication, depending on the research area. This embargo period will allow scientific publishers to get a return on their investment.

Why are embargo periods running from 6 to 12 months instead of a single embargo period?

Scientific publishers draw attention to the fact that when considering open access policies, funding bodies should be aware that "one size does not fit all". The length of time during which research results are novel and useful varies according to discipline. The results of research in rapidly changing disciplines in fields like energy, environment, health and ICT tend to become obsolete relatively quickly. The results of research in social science and the humanities, on the other hand, usually remain relevant for longer.

Other funding bodies have introduced embargo periods within this range. For example, the Wellcome Trust (UK) has set an embargo period of 6 months, the National Institutes of Health (USA) 12 months at the latest and the Canadian Institutes of Health Research 6 months. As this is a pilot initiative, the different embargo periods allow the Commission to experiment and assess the impact of such embargo periods.

What is peer review and why is it important for the quality of scientific publications?

Peer review is the process by which independent experts in a scientific discipline (the peers) critically assess a scientific paper reporting on research. They check whether the methodologies used, as well as the reasoning and evidence presented in the paper meet the interest and quality standards of the subject. Their feedback often leads to changes in the article. The peer review system is critical for the scientific community as it is an important quality control mechanism and can influence scientific careers. Rejection rates by journals vary widely and may reach 90% for the most popular journals. The Commission's open access pilot deliberately covers peer reviewed scientific journal articles resulting from EU funded research to seek the highest possible quality of available online publications.

Are there similar projects on open access initiated by the Commission?

The Commission's pilot is one of several EU initiatives currently underway to experiment with open access and new business models to guarantee access to and dissemination of publicly funded research results.

- the Commission has taken the initiative to use FP7 grant agreements to encourage grantees to take advantage of reimbursement for the full cost of open access publishing so that their research articles can be made available in open access mode as soon as they are published - the collaborative PEER project (Pilot Programme Investigating the Effect of the Deposit of Author) between researchers and scientific publishers focuses on the impact depositing peer-reviewed manuscripts in repositories can have on policy-making.

Does open access to journal articles interfere with patenting or other potential forms of commercial exploitation of research results?

No. Open access to journals articles comes into play only if and when a decision to publish (which implies disclosing the results) has been taken. Decisions regarding whether to patent and commercially exploit research results are typically taken before publication.

What is the situation on open access in different Member States and internationally?

The development of access policies and measures for scientific publications varies widely among the Member States. Funding bodies such as the Wellcome Trust and the many of the Research Councils in the **UK**, the Research Council for Science, Engineering and Technology in **Ireland**, the Superior Institute of Health in **Italy**, INSERM in **France**, the German Research Foundation in **Germany**, Research Foundation Flanders in **Belgium**, and

the Austrian Science Fund in **Austria** have implemented open access policies to the research that they fund.

In the **Netherlands**, a national initiative called the DAREnet programme links academic and research institutions and provides open access to their findings via the Internet. Further afield, the National Institutes of Health in the **USA** now have a public access policy that legally requires scientists to submit final peer-reviewed journal manuscripts that arise from its funding to the digital archive PubMed Central and make them open access in no more than 12 months. See also [IP/08/1262](#)

*Commission activities in the area of access to scientific information:

http://ec.europa.eu/research/science-society/scientific_information

http://ec.europa.eu/information_society/activities/digital_libraries/

Opening Soon: a Digital Library for Europe

Press Release IP/08/1255

Europe's cultural diversity in books, music, paintings, photographs, and films open to all citizens at the click of a mouse via one portal – this dream of a European Digital Library could become reality this autumn. However, further efforts by the EU Member States are needed, said the Commission in a new Communication on making available digital versions of works from cultural institutions all over Europe. Digitisation of cultural works can give Europeans access to material from museums, libraries and archives abroad without having to travel or turn hundreds of pages to find a piece of information. Europe's libraries alone contain more than 2.5 billion books, but only about 1% of archival material is available in digital form. The Commission therefore called on Member States to do more to make digitised works available online for Europeans to browse them digitally, for study, work or leisure. The Commission itself will provide some €120 million in 2009-2010 for improving online access to Europe's cultural heritage.

"The European Digital Library will be a quick and easy way for people to access European books and art – whether in their home country or abroad. It will, for example, enable a Czech student to browse the British library without going to London, or an Irish art lover to get close to the Mona Lisa without queuing at the Louvre," said Viviane Reding, EU Commissioner for Information Society and Media. "However, even though Member States have made significant progress in making cultural content accessible on the Internet, more public and private investment is needed to speed up digitisation. My goal is to have a European Digital Library, called Europeana, rich in content, open to the public before the end of the year."

The Commission confirmed its commitment to help Member States bring their valuable cultural content online. In 2009-2010, €69 million from the [EU's research programme](#) will go to digitisation activities and the development of digital libraries. In the same period, Europe's [Competitiveness and Innovation Programme](#) will allocate about €50 million to improve access to Europe's cultural content. However, the total cost of digitising five million books in Europe's libraries is already estimated at approximately €25 million, not including objects like manuscripts or paintings. Realising the vision of a European Digital Library (Europeana) needs

substantial investment from national institutions, but at present most countries only provide small scale, fragmented funding for digitisation. The Commission has called on Member States to raise digitisation capacities to make their collections available for Europe's citizens, team up with the private sector, and address the following priorities:

- More **funding** needs to be allocated to digitisation, along with plans for how much material will be digitised.
- Most countries still lack methods, technologies and experience for the **preservation** of digital material, vital so that content remains accessible to future generations.
- **Common standards** need to be implemented to make different information sources and databases compatible for and usable by the European Digital Library (*Europeana*).
- Resolution of **copyright** issues, above all legal solutions to the problem of orphan works - works whose right holders cannot be found to consent to digitisation ([IP/07/508](#)).

Visitors to digital libraries can digitally discover copies of the famous Gutenberg bible – the first real book ever printed – at the British Library's [website](#), the voices of Maria Callas or Jacques Brel at the [French Institut National de l'Audiovisuel](#), or Da Vinci's masterpiece the Mona Lisa at the [Louvre](#) - without a ticket.

Some Member States have taken exemplary steps to accelerate the digitisation of cultural collections. **Slovenia** adopted a Public-Private Partnership Act in 2007, providing new opportunities for private promotion of digitisation projects in public institutions. **Slovakia** has rehabilitated an old military complex as a large-scale digitisation facility using page turning robots. **Finland, Slovakia** and **Lithuania** used European Structural Funds to secure extra funding for digitisation.

However, the Commission's assessment also shows that in many cases there is a gap between the objects which have been digitised and their online accessibility. For example, only one in four **German** museums that have digitised material offer online access to it and only 1% of the material digitised by **Polish** archives is online.

Background:

The European Digital Library is part of the i2010 initiative adopted by the Commission on 1 June 2005 ([IP/05/643](#)). On 24 August 2006, the Commission adopted a Recommendation on digitisation and digital preservation ([IP/06/1124](#)). In the 13 November 2006 Culture Council, national ministers agreed to move forward on digitisation ([Pres/06/309](#)).

For further information, please access the links below.

The World Digital Library:

<http://www.worlddigitallibrary.org/project/english/index.html>

The European Library:

<http://search.theeuropeanlibrary.org/portal/en/index.html>

Europeana:

<http://www.europeana.eu/MEMO/08/546>

Communication and assessment of progress on digitisation:

http://ec.europa.eu/information_society/activities/digital_libraries/index_en.htm

A Reminder of the Commission Green Paper: Copyright in the Knowledge Economy

A reminder of the Press Release (IP/08/1156)

In July 2008, the European Commission adopted two initiatives in the area of copyright. First, the Commission proposes to align the copyright term for performers with that applicable to authors, in this way bridging the income gap that performers face toward the end of their lives. Secondly, the Commission proposes to fully harmonise the copyright term that applies to co-written musical compositions. In parallel, the Commission also adopted a Green Paper on Copyright in the Knowledge Economy. The consultation document focuses on topics that appear relevant for the development of a modern economy, driven by the rapid dissemination of knowledge and information.

Call for comments:

Comments on the Green Paper should be sent to markt-d1@ec.europa.eu by 30 November 2008.

Green Paper on Copyright in the Knowledge Economy:

http://ec.europa.eu/internal_market/copyright/docs/copyright-infso/greenpaper_en.pdf

Further information on copyright in the information society:

http://ec.europa.eu/internal_market/copyright/copyright-infso/copyright-infso_en.htm

Cultural Policies – Funding Opportunities

The European Commission - Directorate General for Education and Culture Directorate - Culture and Communication Unit - recently published their programme guide for the Culture Programme (2007-2013). This guide explains both the objectives and the strands of the Programme and therefore the types of activities that can (or cannot) be supported. It also contains all the essential conditions to apply for funding under the Programme, providing cultural operators with the whole set of funding opportunities under this Programme until 2013.

One of the sub-strands of the Culture Programme directly concerns regional or local public authorities as well as cultural departments of universities. Indeed, the objective of this sub-strand is to fund the networking of groupings of various types of private or public stakeholders (such as cultural departments of national, regional or local authorities, cultural observatories or foundations, universities specialised in cultural affairs) which have direct and practical experience in the analysis, evaluation or impact assessment of cultural policies.

The Commission specifically refers to the potential recipients as follows: “You are a national, regional or local authority? A cultural observatory or foundation, a university specialised in cultural affairs? You have a practical experience in the analysis, evaluation or impact assessment of cultural policies? – this call may be of interest to you...”

Networking: Aiming to Promote the Analysis, Evaluation or Impact Assessment of Cultural Policies.

Groupings of various types of private or public stakeholders (such as cultural departments of national, regional or local authorities, cultural observatories or foundations, universities specialised in cultural affairs) which have direct and practical experience in the analysis, evaluation or impact assessment of cultural policies on one or more priorities linked to the European Agenda for culture as defined by the Council, namely:

- Improving the conditions for the mobility of artists and other professionals in the cultural field.
- Promoting access to culture, especially through the promotion of cultural heritage, cultural tourism, multilingualism, digitisation, synergies with education (in particular arts education) and greater mobility of collections.
- Developing data, statistics and methodologies in the cultural sector and improving their comparability.
- Maximising the potential of cultural and creative industries, in particular that of SMEs.
- Promoting and implementing the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

Support can be given for such groupings to exchange and compare existing data and evaluation methodologies at national/local levels and produce new methodologies or data on the considered topic as well as to maximise the impact and have an EU wide reporting and dissemination of the results. Groupings should gather members which are legally established in at least three eligible countries. Coordination and other eligible activities can be led and designed by one of the organisations which is a member of the grouping. Please note that the deadline for submitting an application under this sub-strand is the 1st of November.

Further information can be found at http://ec.europa.eu/culture/news/news1647_en.htm

PUBLICATIONS / STUDIES

Proceedings of the 5th European Public Lending Right Conference, Bucharest 19-21 September 2008

The proceedings of the 5th European Public Lending Right conference held at Vernescu House, Bucharest 19-21 September 2008, are available in digital form, edited by Myriam Diocaretz, EWC.

This conference was convened to discuss the progress towards the implementation of PLR across Europe. It was hosted by the **Writers' Union of Romania** (WUR). The meeting was organised under the aegis of the **European Writers' Council** (EWC AISBL); the coordination and administrative support in organising the event was provided by both the EWC and the **PLR office in the UK**. Financial support for delegates' travel, hotel costs as well as for translation and other conference facilities were generously provided by the

Norwegian Non-fiction and Translators' Association (NFF). The Writers' Union of Romania also provided hospitality for delegates in their historical premises at the WUR offices and at Vernescu House.

This Conference brought together representatives of authors' organisations and other agencies including collective management organisations and Ministries from over 20 European Union Member and Candidate States, who reported on current PLR developments in their own countries.

There was also an update from the European Commission on current EU implementation on PLR. Additionally, the conference provided a forum for discussion on the PLR situation in Romania and on the prospects for future progress in this country, with the participation of the writers' union, the national library, the Ministry of Culture, and the Romanian state agency for copyright protection ("ORDA").

The Conference reviewed the progress of Member States in implementing the PLR provisions of Directive 92/100/EEC on Rental, Lending Rights and Piracy (codified in **Directive 2006/115/EC** of the European Parliament and the Council, of 12 December 2006 [OJ L 376, 27.12.2006, P. 28) during the year since the Conference's last meeting in Budapest in April 2007. A selection of a number of these presentations can be found in the Proceedings, published on 30 October 2008. The proceedings of the 4th PLR European conference held in Budapest, Hungary, published in May 2007 are also available through the EWC Secretariat.

Proceedings of the Forum Mare Nostrum IV – Trieste 2007

The Proceedings of the Forum Mare Nostrum IV – Trieste 2007, held in combination with the XXI EWC Congress and Annual General Assembly, edited by Tiziana Colusso, have been published. They are available through the EWC Secretariat upon request, free of cost.

The volume is a bilingual edition (Italian and English) and features the Opening address "Intercultural Dialogue and the Need for Straight Talk" by Trond Andreassen, former President of the EWC; the welcome speeches by Alessandro Occipinti, and by Tiziana Colusso, respectively.

The collection contains five sections: Trieste as a European Cosmopolitan City: The Great Season of Svevo and Joyce, and the Current Trends; Trieste's Identity, between Italy, Central Europe and The Mediterranean; the European Year of Intercultural Dialogue (EYID 2008); Cultural Exchanges and Translations; and finally, the EWC's official programme of Mare Nostrum IV and of the 2007 AGM.

Digital Culture: The Changing Dynamics

Edited by Aleksandra Uzelac and Biserka Cvjetičanin.

Culturelink Joint Publication Series No. 12, Institute for International Relations, Zagreb, 2008, 202 pp., 30 €, ISBN: 978-953-6096-46-6

Digital culture is a new complex notion: today digital trends are increasingly interloping with the world of culture and arts, involving different aspects of convergence of cultures, media and information technologies, and influencing new forms of communication. The new possibilities created by ICT – global connectivity and the rise of networks – challenge our traditional ways of understanding culture, extending it to digital culture as well. So, culture today should be understood as an open and dynamic process that is based on interactive communication, and we cannot think of it as an enclosed system which makes up a 'cultural mosaic' with other similar or diverse cultural systems.

The ICT and especially the Internet, has given these interrelations a new dimension, by changing our relation towards knowledge and knowledge society, by intensifying the flow of cultural goods and services, and by causing a new understanding of cultural creativity. The book entitled *Digital Culture: The Changing Dynamics*, is the result of discussions among experts, members of the Culturelink Network and IMO's researchers, in the course of the past few years on the impact of information and communication technologies on culture and the changes that in the context of the information era affect established cultural practices and concepts. The inspiration for producing this book rose from the meeting of experts at the Culturemondo conference, held in Dubrovnik, Croatia in 2006, hosted by Culturelink. Informal debates led to the proposal to unite different approaches, opinions and reflections about the phenomena transforming the world today into one book focusing on digital culture.

The papers in this book examine possible shifts in the integration of new technologies and digital culture in the processes of affirming cultural diversity and intercultural communication by presenting different case studies and trend analyses – examining the changes brought about by the new context of the interactive and participatory Internet and the responses of the cultural sector to them, and analysing how cultural policies deal with digital culture. By providing insights into these interrelated aspects, the book is trying to answer the question – how can we talk about cultural diversity in the digital domain and what are the current trends? To understand the interrelation of the local and the global, the articles in this book analyse existing practices in the digital realm. The South East Europe (SEE) context is analysed in one part of this book, thus providing evidence-based research of digital diversity trends and informing cultural policies in the SEE region.

The Introduction aims to give an understanding of digital culture, viewing it from the perspective of a common resource for knowledge society and as a new social ecology that conditions experiences and opportunities of citizens today, where the digital network environment has brought on new practices, possibilities and threats.

Part One, entitled Digital Culture – The New Social Ecology, discusses various aspects of digital culture, from its move to the real world – ambient intelligence, to its aspects related to (free) communication – analyzing the social and cultural changes which emerged with the appearance of media technologies, as well as examining how these changes influence the transformations of the mediated public sphere and considering the social implications of the transformation of the cultural and media production and the way this reflects on issues of copyright regulation. The contributions in Part One try to sketch the development directions digital culture is taking and their impact on the social ecology that we are shaping through building new legislative and institutional structures.

Part Two, Conceptualising Policies for Digital Culture, brings contributions that analyze how cultural policies deal with digital culture and new virtual structures such as cultural portals, and look at issues arising from the new relations between real and virtual spheres. In Part Three, Cultural Practices in the Digital Territory, the authors discuss the development of digital structures in the cultural sector, and try to analyse and propose cultural portals ecology and shed light on the nature of the changes the cultural sector has to take into account when developing its services in the virtual context.

The Editors

For more information, please visit

<http://www.culturelink.org/publics/joint/digicult/index.html>

How will Digitisation Shape the Future of Publishing? A Frankfurt Book Fair Survey

Press Release Frankfurt, 13/10/2008

Frankfurt Book Fair survey reveals online bookselling as the most important development of the past 60 years. The organisers of the Frankfurt Book Fair have conducted a major survey to find out how digitisation will influence the future of the publishing industry, and who will be the driving force behind it. Over 1,000 industry professionals from over 30 countries responded to the survey, issued via the Frankfurt Book Fair Newsletter.

The most interesting results include:

- China's digital influence in international publishing predicted to increase threefold in next five years.
- Consumers, Amazon, Google believed to drive the digitisation process.
- E-content will overtake traditional books in sales by 2018.
- Online bookselling named as most important development of the past 60 years.

As the much-hyped e-readers hit the stores, and digitisation continues to revolutionise all aspects of the book trade, this year over 70 per cent of respondents revealed that they feel ready for the digital challenge. The survey also reveals that current opinion is divided on the future of the e-books and digital content versus the printed word. 40 per cent of respondents expect e-content to overtake traditional book sales as early as 2018 – whereas a third predict that this will never happen.

Perhaps more surprisingly still, almost 60 per cent of respondents do not currently use e-

books and e-readers at all, and 66 per cent of industry professionals still expect traditional books to dominate the market in five years time, with very few expecting e-books (seven per cent) or e-readers (two per cent) to be the main sources of revenue by 2013.

The industry predicted, however, that consumer attitudes would evolve – with over half thinking that Internet users will be more willing to pay for digital content in five years time than now.

Who is really in charge?

When asked who was driving the move towards digitisation in the book industry, only seven per cent felt that publishers were leading the way:

- 22 per cent said that consumers were pushing the move towards digitisation.
- Online retailers like Amazon (21 per cent), Google (20 per cent), and the telecommunications sector (13 per cent) were not far behind.
- Only two per cent felt that authors were driving this aspect of the industry – and governments lagged even further behind with only one per cent.

Who is currently leading the sector in digitisation?

- Over half said the US (51 per cent)
- Japan was in second place, with 15 per cent, followed by Europe – excluding the UK – at 11 per cent
- Only five per cent named the UK as the dominant market in terms of digitisation

Which market will be leading the sector in digitisation in five years time?

Respondents predicted that the international balance will shift in the coming years:

- Only 29 per cent predict that the US would still be leading the way.
- China followed with 28 per cent.
- Respondents still expected Europe (17 per cent) and the UK (three per cent) to be trailing in this area.

Challenges facing the industry

70 per cent of respondents may feel ready for the digital challenge, but industry professionals nevertheless recognised the need to work together to tackle certain issues. The following top four concerns will be discussed at length during this year's Frankfurt Book Fair:

- Copyright – 28 per cent
- Digital rights management – 22 per cent
- Standard format (such as epub) – 21 per cent
- Retail price maintenance – 16 per cent

When asked how prepared interviewee's companies were, they named three main areas in which they felt that more input was needed:

- Knowledge and strategy – including market research, and understanding and developing new business models (26 per cent).
- Networking – with new co-operations and business partners (22 per cent).
- Technical infrastructure (20 per cent).

Digitisation opens up new fields of co-operation. With which other sectors should the publishing industry work more closely?

- 22 per cent thought that mobile handset manufacturers and networks would be the most important future partners.
- Film (20 per cent), other consumer goods (19 per cent) and the music industry (18 per cent) followed.
- Only 13 per cent thought that the gaming industry was an important future collaboration.

60 years in publishing – past and future

In this 60th anniversary year of the Frankfurt Book Fair, industry professionals were asked to look back over the major developments in the past six decades:

- 39 per cent cited online bookselling as the most important development in publishing in the past 60 years.
- Other main developments identified were marketing (20 per cent), book fairs (15 per cent) and chain store bookselling (17 per cent).

The survey looked at how digitisation might shape the future of publishing, and whether some of the main components of the industry would still be around in 60 years time:

- 25 per cent forecast that the retail bookseller would be obsolete in 60 years
- the agent's demise was also predicted by 21 per cent, and a similarly bleak future was expected for editors (14 per cent)
- 12 per cent of industry professionals think that e-readers are a passing craze, and will be gone in 60 years' time.

Juergen Boos, Director of the Frankfurt Book Fair comments: "The Frankfurt Book Fair brings together thousands of publishing and media professionals, and the annual survey is a chance to take stock of the new trends and changes affecting the industry. This year the results offer a fascinating insight into how digitisation – identified in 2007 as publishing's major challenge – might shape all aspects of the book trade in years to come. The results are thought-provoking: such as China's predicted dominance in the digital sector in coming years, the recognised need for new co-operations with other industries, and the expectation that despite technological developments, the printed book will still be around in years to come."

Source:

https://en.book-fair.com/company/press_pr/press_releases/detail.aspx?c20f0587-85d5-44d3-a9a4-eb75d0c6143b=ec26a4d2-9b2d-499d-8a3f-3e94b5cf6bff

CONFERENCES: RECENT / FORTHCOMING

Frankfurt Book Fair Highlights Languages as a Key to Intercultural Dialogue

On the 14th and 15th of October, the Frankfurt Book Fair hosted a conference on multilingualism, literacy and intercultural dialogue. The event was co-organised by the European Commission (Directorate-General for Education and Culture, Multilingualism

Policy Unit), and Frankfurt Book Fair Literacy Campaign (LitCam). This year the Commissioner for Multilingualism, Leonard Orban, opened the conference on the topic of multilingualism and integration. He presented his policy framework, highlighting the key role of linguistic diversity and language skills for intercultural dialogue and social inclusion.

In the context of the European Year of Intercultural Dialogue the French/Lebanese writer Amin Maalouf chaired a panel on languages and intercultural dialogue. As chairman of the "Group of Intellectuals for Intercultural Dialogue" set up by Commissioner Orban in 2007, Amin Maalouf presented the Group's report "A Rewarding Challenge: How the Multiplicity of Languages Could Strengthen Europe".

On 15 October there was a workshop on the recent study commissioned and published by the European Commission: "LACE - The Intercultural Competences Developed in Compulsory Foreign Languages Education in the European Union". This study looks at intercultural competences in language learning, focusing on sensitivity towards cultural differences and understanding how culture and language interact.

For further information, please access the links below.

http://ec.europa.eu/education/languages/eu-language-policy/doc126_en.htm

<http://www.litcam.org>

<http://www.dialogue2008.eu>

Literacy and Integration: The Third International LitCam Conference

The third International LitCam Conference was held on the 14th and 15th of October at the Frankfurt Book Fair. In 2006, the Frankfurt Book Fair launched its new key focus "Education for the Future". The Frankfurt Book Fair Literacy Campaign (LitCam) has been developed as part of this new key focus. The campaign's main platform is an annual international conference attracting organisations, experts, trainers and policy makers from the fields of literacy and education. With Turkey as the Guest of Honour at the Book Fair 2008 and in light of the European Year of Intercultural Dialogue, for the first time in 2008, the LitCam Conference had a special theme: "*Literacy & Integration.*"

The EU Commission Directorate - General for Education and Culture was the co-organiser of this conference. Consequently, the EU Commissioner, Leonard Orban, was an additional keynote speaker (multilingualism and integration). The first keynote speaker was Turkish Professor, Dr. Çiğdem Kađýtçýbabý. Shashi Tharoor was once again the patron of the Conference. Aside from podium discussions, organisations from Turkey (ACEC), the USA (National Center of Literacy), Germany and Burkina Faso (Tintua) were invited to present their project and organisation. The thematic workshops were held on the first day of the Book Fair.

IPA: The Future of Publishing

The International Publishing Update 2008 had as its main focus online piracy of e-books. The Future of Publishing Dialogue focused on how to prepare publishers for Web 2.0 and what publishers can do now to be ready for the e-book era.

Topic 1 - Online Book Piracy: Will the Internet Kill Publishing?

This year, speakers provided a great range of experience and expertise in dealing with Internet E-Book Piracy:

- Martin Steinebach, a technical expert from the Fraunhofer Institute for Secure Information Technology (the inventors of the MP3 format) explained the technology and the strategies of pirates on the Internet.
- Kjell Bohlund, the current President of the Swedish Publishers Association, described the impact of the infamous Pirate Bay website on Swedish publishing.
- Bill Evans is a leading US educational publisher and looked at the effects of piracy on the education market.
- Emma Rutherford and Mark Young, a specialist lawyer and a technical expert from law firm Covington & Burling, explained legal strategies to combat Internet Piracy.

Topic 2 - Preparing publishers to Web 2.0:

What can publishers do now to be ready for the e-book era?

Rodiger Wischenbart, the former speaker of the Frankfurt Book Fair (now a journalist and consultant), interviewed international experts on the issues surrounding the following topics.

- What is the future of copyright and rights management on the Internet?
- How can publishers shape tomorrow's markets?
- What do publishers need to do now, to prepare for the e-book future?

Culture Action Europe Calls Cultural Organisations and Individuals for Endorsement of the “Rainbow Paper”

Note from the editor: Given the importance acquired in 2008 by the Rainbow Paper and the Platform for Intercultural Europe for recommendations on cultural policy at EU level, we are pleased to include here the Editorial from the Culture Action Europe Newsletter Special # 1.

Culture Action Europe made a big commitment to the European Year of Intercultural Dialogue when it initiated the Civil Society Platform for Intercultural Dialogue together with the European Cultural Foundation two years ago. Our endeavour to reach out from the arts and create Europe-wide links with other sectors has been ambitious. To compare and coalesce intercultural dialogue practice from many domains has sometimes been testing, but is now bearing fruit. We present you with the “Rainbow Paper: Intercultural Dialogue – from practice to policy and back” through this special single-issue edition of our newsletter. Have a look, lend your support – it counts in the political work that remains to be done!

As we move from one European Year to the next, and public attention shifts from Intercultural Dialogue to Creativity & Innovation, the truly committed will separate from the temporarily interested. Constructive engagement with cultural diversity clearly remains a key challenge for our societies; and the arguments of the arts about their contribution to Intercultural Dialogue leave scope for refinement.

Sabine Frank

Deputy Secretary General and Coordinator of the Platform for Intercultural Europe

Platform for Intercultural Europe

“Rainbow Paper: Intercultural Dialogue – from practice to policy and back”

The “Rainbow Paper” proposes a 5-step path from intercultural challenges to interculturalism and makes 5 sets of recommendations: on educating and building institutional capacity for Intercultural Dialogue, on monitoring for sustained policies, mobilising across boundaries, and resourcing of Intercultural dialogue.

The role of the arts in Intercultural Dialogue makes a strong show in the paper under recommendations on informal education: The contribution of artists, the effect of works of art and the participatory processes which the arts can enable are all highlighted.

Hundreds of views from many sectors have come together in this paper. Many of you have participated, so crown the process and endorse the outcome: You can do so as an individual – a very welcome first step, and on behalf of your organisation when so authorised. We hope for lots of organisational endorsement in particular – make it happen!

LabforCulture has designed an easy endorsement process – give it a try. Please also help spread the word about the Rainbow Paper through your own communication tools.

You are invited to add your signature and give political impact to the Rainbow Paper! (Available in English, French and German). To endorse it please access the link below.

<http://rainbowpaper.labforculture.org>

The Role of Translation in Cultural Diversity

A meeting of European cultural, funding and policy organisations, co-sponsored by Reed Messe Wien / Buch Wien and Kulturkontakt Austria will be held on Friday the 21st of November 2008, from 10.00 to 18.00 hours at Messe Wien, Messegelände, 1020 Wien, Austria.

Topics on the agenda:

Culture, policy, funding: Raising awareness on the European level for the key role of translation in fostering cultural diversity and cross cultural exchange.

Culture versus market: An exchange between cultural activist and publishing professionals.

Facts and Figures: Presentation of the 1st Diversity Report. Trends and developments in (book) translations across Europe; market patterns and trends; key policy directives; outlook (Supported by ERSTE Stiftung).

Invited are government, non-government and supra-national organisations dealing with or interested in translation data, policy and funding from all over Europe.

Sources:

<http://www.wischenbart.com/diversity/>

<http://www.wischenbart.com/translation/>

Collective Management of Copyright and Related Rights Conference

On 24 and 25 November 2008, a conference will be held in Brussels on the collective management of copyright and related rights in Europe, organised by the World Intellectual Property Organization (WIPO) in conjunction with the European Grouping of Societies of Authors and Composers (GESAC), the Association of European Performers' Organisations (AEPO-ARTIS) and the International Confederation of Authors' and Composers' Societies (CISAC).

This is one of a series of conferences organised by WIPO aimed at painting a picture of collective management of copyright and related rights and its development worldwide. As interfaces between rights holders – authors/composers, music publishers, performers – and users, collective management societies are central to the debates whose ramifications go beyond the technical question of how to manage rights in a complex environment to touch on fundamental issues like cultural diversity, access to works and the independence of creative artists/performers.

High level representatives from European and international institutions, collective management societies, the creative industries, content and service providers and consumers, as well as researchers and academics, will participate in this conference which will clarify the economic and legal context in which authors' and performers' societies operate. This event is also relevant to digital technology designers, lawyers, intellectual property rights officials, stakeholders from intergovernmental and nongovernmental organizations and students.

For more information: <http://www.iprbrusselsconference2008.eu>



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