



EWC-FAEE AISBL

NEWSLETTER III – DECEMBER – 2008

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

Editor: Myriam Diocaretz, Secretary-General

Rue du Prince Royal 87, B-1050 Brussels, Belgium
<http://www.european-writers-congress.org>

E-Mail: EWC-Secretariat@inter.nl.net



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WELCOME TO THE EWC-FAEE AISBL NEWSLETTER III – DECEMBER 2008

Editorial

For authors, 2008 was a year of great demand for responses in the digital arena, and there is no reason to think that these challenges will diminish. The latest situation is the authors', publishers' and Google settlement in the United States, and the different responses from our members, some of which are reported in this issue. On 16 December IFRRO facilitated a conference call for selected member associations, including EWC, to have a meeting with the USA plaintiffs' attorneys representing the authors and the publishers in the settlement. We are hereby informing you briefly about this call because we will send a synthesis of the key issues to all our EWC associations by email before Christmas, especially on the Notice programme to be distributed to inform class members of their rights. We will be following closely all initiatives and actions in this respect in 2009.

The EWC and several EWC members responded to the European Commission's "Green Paper on Copyright in the Knowledge Economy"; earlier in the year, we also responded to the open consultation on "Reforming the EU budget," and to the call for participation in the new Platforms for Culture facilitated by DG Culture to launch the Structured Dialogue; the latter is the new instrument to deliver recommendations to the European Commission in order to strengthen the field of culture in Europe. Moreover, the EWC, together with EBF and FEP, was selected to organise and implement the new EU Prize for Literature (2009-2011) focused on emerging talents. We have been reporting extensively also on the different i2010 digital libraries High Level Expert Group – Copyright Subgroup which finished its mandate and produced a whole set of solutions in terms of orphan works and out-of-print works. The EU initiatives in 2009 include giving a higher profile to literary translation and the role of literary translators in European heritage. Part of our next Mare Nostrum V will feature related themes.

2009 will be the year when we launch our **new website**, which is currently under construction. We welcome your suggestions for dedicated spaces in the site that can be of interest to all our members.

Equally important, we wish to remind you that the EWC-FAEE Secretariat welcomes Members' and cultural organisations' issues, reports and statements on copyright 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!

We wish you a splendid holiday season and a very happy and fruitful 2009!

Editor:

Myriam Diocaretz, EWC-FAEE AISBL Secretary-General

This issue was edited with the assistance of Leo Guilfoyle.

ANNOUNCEMENTS

Forum MARE NOSTRUM V 19-20 June Marseille France

The 2009 EWC-FAEE conference will be held in cooperation with one of our three members in France, la Société des Gens de Lettres (SGDL), in Marseille. The programme is currently being developed. The themes chosen by SGDL for the present edition of the Mare Nostrum series will seek to explore the crossroads between literature and the Mediterranean, expanding towards Africa and the Middle-East. The focus will be on three major areas:

- Translation as the “language of Europe” (concept proposed by Umberto Eco)
- The influences of the North in the South and of the South in the North
- The writer in the Mediterranean: Militant or conveyor of peace?

The Mare Nostrum series was initiated as a European forum for the dialogue between cultures in the Mediterranean area and the rest of Europe, promoted by the EWC. The past editions were carried out in Delphi (1999), Barcelona (2001), Cyprus (2004), and Trieste (2007). Marseille has been a key centre of the crossroads of cultures and we are looking forward to this event. The registration form and hotel information will be sent to all our members in January 2009.

For further information please see the website of the SGDL: <http://www.sgdl.org/accueil.asp>

Official Announcement of the EWC and EWC-FAEE A.I.S.B.L Annual GENERAL ASSEMBLY 21 JUNE 2009 – Marseille – XXIII Congress

According to the statutes, the election of the Executive Board will be held next year. We hereby officially announce the EWC-FAEE AISBL General Assembly and the forthcoming elections, to be held on the 21st of June 2009. Please read the official communication issued by the election committee.

Elections of the Executive Board in 2009

To all member organisations

The next European Writers’ Congress will take place in Marseille 21st June 2009.

One of the items on the agenda is the election of the Executive Board. The AISBL is administered by an executive board composed of at least seven members appointed from among the representatives of the active member organisations.

Serving on the EWC-FAEE AISBL Board 2007-2009 are:

- Mr John-Erik Forslund, President
- Mr Graham Lester-George, Vice President
- Ms Anna Menyhért, Vice President
- Mr Adi Blum

Ms Tiziana Colusso
Ms Anna Dünnebier
Ms Mette Møller

Executive board members are appointed by the general assembly with a mandate for two years which may be extended indefinitely. The office of executive board member is without payment or remuneration. Executive board members act as individuals and not as representatives of organisations, countries, language groups or other interests.

Representatives of active member organisations who are candidates for the office of executive board member must submit an application and brief curriculum vitae in writing at least two months before the official date of the general assembly, clearly indicating the office for which they are applying (President, Vice President or ordinary Board Member).

Applications must be sent accompanied by a written approval from an active member organisation. All active member organisations can propose candidates for appointment to the executive board.

Please note that without regular payment (or a valid explanation why your organisation is not in a position right now to pay the membership fee of 1.500 euros per year, or a certain percentage thereof, minimum 300 euros) you won't be entitled to vote, nor to nominate.

We will get back to you in February, but it would be helpful if you started considering as early as now whether you have a suitable candidate in mind, somebody “with a European vision”. See also Article 20 in the EWC-FAEE AISBL Statutes.

Don't hesitate to contact any one of us in case you have questions you would like us to consider.

The Election Committee

Ragnheidur Tryggvadóttir	Contact Email Address: rsi@rsi.is
Merete Jensen	Contact Email Address: mette@kaapeli.fi
Werner Richter	Contact Email Address: WernR@TheRichters.at

16 December 2008

EUROPEAN UNION POLICY

The EWC Submits a Response to the European Commission "Green Paper on Copyright in the Knowledge Economy"

Brussels, 30 November 2008

Stakeholder Consultation on the European Commission "GREEN PAPER ON COPYRIGHT IN THE KNOWLEDGE ECONOMY"

This response is submitted by the "European Writers' Congress" « EWC » / la "Fédération des Associations Européennes d'Ecrivains" «FAEE». EWC members include European national and trans-national authors' organisations representing writers and/or literary translators." Established in 1977, EWC has evolved into a federation of 60 associations in 32 countries of Europe, including Iceland, Norway, Switzerland, and Turkey. As an advocacy network in the field of culture, the EWC champions the diversity of literatures while raising awareness about the common need of writers and literary translators to have their moral and economic rights respected in the analogue and digital environments.

General Remarks

We welcome the Green Paper's [GP] aim of fostering a constructive debate on knowledge dissemination in online environments; however, we observe that the GP is intended to "*address all issues in a balanced manner taking into account the perspective of publishers, libraries, educational establishments, museums, archives, researchers, people with a disability and the public at large.*"¹ In accordance with our aims, first of all, our submission seeks to redress the fact that the authors' perspectives appear to be excluded in this consultation, or have been implicitly embedded under the "publishers" category. We therefore respectfully recommend that the forthcoming consultation documents rectify or justify the omission of authors in its address and in its perspective. Authors are the basis and the core human resources and human capital in the creation of knowledge. Moreover, authorship exists in different forms; we therefore suggest that its different dimensions are taken into account in place of using a generic term without a proper consideration of the actual moral and economic differential contexts. For instance, a professional author creates knowledge in the form of a work protected by copyright which begets the remuneration needed for his/her daily livelihood/subsistence. Academic or scientific authors, in the majority of cases, are employees of a higher education institution which funds their work, research, and publications; as authors, researchers function within a model linking private-public funding, academic intellectual property, and research benefits.² Furthermore, the GP addresses researchers mainly as "users", while in fact they are also authors, although they are not necessarily right holders. A confusion emerges further in the GP in terms of who are the users and who are the right holders. In our understanding of the issue, the original right holder is the author; subsequently, a publisher/producer may or will acquire the rights under the terms and conditions in the contractual agreement for specific uses of the work in the market; in this context, the publisher/producer is also a user of the work. We conclude that the Green Paper has a user-circumscribed approach, in which researchers are taken solely as users, on equal

1 "Green Paper. Copyright in the Knowledge Economy" COM (2008) 466/3, I.1. p. 3

2 See, for instance, "Intellectual Property and Research Benefits" by Professor Paul Wellings, Vice-Chancellor Lancaster University, a report prepared for the Rt. Hon. John Denham, MP, Secretary of State for Innovation, Universities and Skills 30 September 2008.

terms with “consumers”; we consider the GP’s framework fractional in contradistinction with the wide-ranging theme of copyright in the knowledge economy. Future consultations on the issues would benefit from a conceptual explicitness that will facilitate the response and the debates.

Regarding the scope of the GP and in relation to the “Fifth Freedom” to promote the free movement of knowledge, we propose a consideration of the roles which multilingualism and translation actually play and how they can contribute as pillars to sustain the knowledge flow both within one’s national language/s and amongst the Member States, as well as for a wider dissemination of knowledge from Europe into the world. In the knowledge-based economy dominated increasingly by the digital environments, a balance is needed between, on the one hand, the monolingualism and the isolationism of the lesser known languages, which can be a major barrier for the free circulation of educational and cultural resources, and on the other hand, the right to use one’s native, and chosen/ adopted languages which must be respected and promoted under the principle of cultural diversity.

The Directive 2001/29/EC has proven to be effective as the key instrument of European copyright legislation. The existing limitations and exceptions contained therein have offered the opportunity to counterbalance the exclusive rights provided under copyright law. In digital and online environments, it is the applications of the Directive the ones which have developed given the flexibility offered at national level; therefore, we do not think that the limitations and exceptions themselves “should evolve”.³ We uphold that the limitations and exceptions have been adequate and do not need modifications. The Directive still needs to be fully implemented in many Member States; it would be worthwhile to have an evaluation of its EU implementation. We consider any modifications without a previous evaluation would be premature; there is a serious potential risk of disturbing the specific resolutions adopted or in the process of being executed by the different Member States. Within the framework of the *acquis communautaire*, the Directive has provided a guarantee for authors (writers and literary translators) to rely on the sustainability arising from their creative work, and has been, in turn, an incentive for publishers and the content sector to depend on our original contributions for their investments, and has motivated them to design new business models in the digital age.

Given the above, we fully agree with the Green Paper’s recognition that:

*“A high level of copyright protection is crucial for intellectual creation. Copyright ensures the maintenance and development of creativity in the interests of authors, producers, consumers and the public at large.”*⁴ We consider it important to foster a non-interventionist attitude from the EU community level; it is equally essential to continue to promote the need for respect towards the Member States’ possibilities to adjust the options according to their national legislation under the Directive. Furthermore, as the GP stresses, Member States have formulated narrower exceptions than the current non-mandatory “exhaustive list of exceptions and limitations” allowed in the Directive, which makes the need to extend the list unnecessary.

In the same paragraph quoted above, however, a different theme is addressed which we welcome but for which we suggest a separate consultation because it is not directly relevant to the Directive or to the limitations and exceptions; namely, that *“the Commission solicits the views of researchers on new ways of delivering digital content. These new modes of delivery should allow consumers and researchers to access protected content in full respect of copyright.”*⁵

The new ways of delivering content in digital environments are being supported systematically through different EU funded projects, particularly in the Sixth and Seventh Framework Programmes (FP6, FP7) through DG Research and DG Information Society & Media, under different programmes such as technology enhanced learning and digitisation of cultural heritage; in the latter some of the key projects that provided support to the i2010 digital libraries initiative have been and continue to be

³ Green Paper, p.3.

⁴ Green Paper Copyright in the Knowledge Economy, p.4

⁵ Ibid.

supported (MINERVA, MINERVA+, TEL, MICHAEL, TEL-ME-MOR, EDL, EDL+ to name just a few); the same can be said for the e-TEN and the ContentPlus programmes. There are also numerous public-private funded initiatives that can provide a series of best practices in this domain. The Commission would enhance its support if the achievements of already existing services could be better known by the general public and the research communities.

Specific Remarks

The Copyright and Knowledge based Economy Unit should note that we have endorsed the submission by the International Federation of Reproduction Rights Organisations (IFRRO). Our response to specific questions will therefore be limited to a few complementary points.

Collective management societies administer the rights of authors and creators. The authors/creators relationship with collecting societies exists on the basis that they receive our mandates to act on our behalf for the licensing, collection and distribution of royalties and remunerations, in addition to the authors' individual contractual agreements entered into with the publisher/s. Collecting societies are working intensively towards solutions for the globalised networked world. The making available of copyright protected digitised works through electronic delivery to end users at a distance by libraries, museums, archives and educational institutions at large,⁶ can be realised provided that the appropriate available model agreements are signed with the relevant right holders or collective management societies.

There should be contractual arrangements between right holders and digitising institutions; there is also a need to guarantee that authors are also engaged in the development of guidelines. Model licences and model agreements already exist and have been used effectively. In the ever growing Internet-based communication society, the approach of adding a new list of non-mandatory exceptions would soon prove to become obsolete and in need of revision due to the state-of-the-art and emerging technology development.

We strongly support voluntary solutions amongst the right holders and stakeholders. The online environments and Internet based services to disseminate knowledge can continue to work positively under the principles of commonly formulated solutions. Even though national legislations differ from one another, libraries, archives and museums, are working together with authors, collecting societies, publishers, producers, in the establishment of solutions which are addressing directly the changes needed due to the growing uptake of new information and communication technologies.

The EWC participated in the important work of the i2010 High Level Expert Group–Copyright Subgroup, DG Information Society & Media, and would like to highlight the Final Report on Digital Preservation, Orphan Works and Out-of-Print Works.⁷ After two years of systematic deliberations and drafting of consensus documents and conducting a series of stakeholder workshop validations and dialogues amongst cultural institutions, stakeholders in the content sector, authors' and creators' organizations, the Copyright Subgroup delivered to the Commission a pioneering set of solutions in the areas of orphan and out-of-print works. As a member of the Copyright Subgroup and signatory of the "Memorandum of Understanding on Orphan works", the EWC fully supports the proposed solutions. If the Member States have not applied or adopted these solutions yet is it partly due to the lack of dissemination and information about the ensemble of solutions, including the diligent search guidelines, and the model licence agreements for online access of digitised material and for closed networks. Awareness campaigns about the existing solutions will facilitate the next steps required at national level for their implementation. These important instruments enable the process of digitisation and making available of material while maintaining a respect for copyright and the voluntary

⁶ Recital 40 of the Directive and GP pp. 9-10.

⁷ See http://ec.europa.eu/information_society/activities/digital_libraries/experts/hleg/meetings/index_en.htm

licensing agreements between the digitising institutions and the right holders, regardless of whether the latter are the publishers or the authors. It is a well-known fact that in many Member States, the rights of out-of-print works, to name just one example, revert to the authors.

With reference to IFFRO's comments on the Nordic licence we would like to emphasize that in the Nordic countries the extended collective license provisions of their respective copyright acts has since decades proven to be a successful method to clear rights and to claim remuneration on contractual basis.

Finally, on the exception for the benefit of people with a disability, we support the possible establishment of a stakeholders' platform at WIPO "to facilitate secure access to copyright protected works [...] which may involve copying and transforming a given work into a large-text or other format."⁸

We thank the DG Internal Market, Copyright and Knowledge based Economy Unit for the opportunity to contribute from the perspective of the role of authors in Europe.

Sincerely,

John Erik Forslund
EWC President

Mette Möller
Board Member & Attorney-at-Law

Myriam Diocaretz
Secretary-General

IFRRO Makes Statement to the European Commission on Copyright in the Knowledge Economy

IFRRO notes in a submission to the European Commission's stakeholder consultation on the Green Paper on Copyright in the Knowledge Economy that the creation of new copyright works is indispensable to any aspect of the knowledge economy, including education and research. So is access to text and image-based copyright works. IFRRO agrees with the Green Paper when it states that "A high level of copyright protection is critical for intellectual creation. Copyright ensures the maintenance and development of creativity in the interest of authors, producers, consumers and the public at large."

The current legislation on Community level offers sufficient flexibility and a workable equilibrium between the right of rightholders and the interest of users to address challenges posed by changing technological environments. Rather than assessing further normative initiatives on a European Commission (EC) level, focus needs to be on the application of the current ones and the deployment of solutions available. The EC should also develop communication campaigns to make users better aware of the value of copyright.

Source: <http://www.ifrro.org/show.aspx?pageid=home&culture=en>

⁸ WIPO Press Release 2008/575, Geneva, November 10, 2008.

The New European Union Prize for Literature

European Commission Press Release IP/08/1856 Brussels, 2 December 2008

The European Commission is launching a new European Union prize for contemporary literature. The aim is to put the spotlight on the creativity and diverse wealth of Europe's contemporary literature, to promote more circulation of literature within Europe and encourage greater interest in non-national literary works. The first edition of the Prize will be awarded in autumn 2009.

The European Commissioner for Education, Training, Culture and Youth, Mr Ján Figel', said: "Books are an essential part of our history and the intellectual heritage of Europe. They reflect the particularity and the diversity of cultures as well as their common origins, and they promote intercultural dialogue. I welcome this new European Union prize, as it will help publicise and promote Europe's richness and cultural diversity. The fact that it will be awarded for the first time in 2009 is excellent timing, since 2009 is designated as the European Year of Creativity and Innovation."

A consortium comprising the European Booksellers Federation, the European Writers' Congress and the Federation of European Publishers are organising the selection process and award ceremony. The European Prize for contemporary literature will consist of a prize for emerging talents in the field of contemporary literature (fiction) from each of the participating countries in 2009, 2010 and 2011 respectively. The participating countries are as follows:

Austria
Croatia
France
Hungary
Ireland
Italy
Lithuania
Norway
Poland
Portugal
Slovakia
Sweden

The aim of the prize is to attract a wide audience of European citizens, to discover new emerging talents and promote their work, especially in countries outside their own. The prize will be a starting point for intercultural dialogue and a way to bring together cultural actors from the book sector from across Europe. There will also be an award to a well-known European personality in literature to take on the role of 'European Ambassador of Literature' for a one year period.

The prize is financed through the Culture Programme of the European Union. The programme supports transnational cultural cooperation projects involving operators from a minimum of three different countries participating in the programme. It also provides specific support for the translation of literary works and is open to all cultural sectors except audiovisual, for which a separate programme exists.

Further information:

The prize:

http://ec.europa.eu/culture/our-programmes-and-actions/doc627_en.htm

Culture programme:

http://ec.europa.eu/culture/index_en.htm

European Union Prize for Literature (EUPL) – EBF-EWC-FEP Press Release (12/12)

The European Booksellers Federation (EBF), the European Writers' Council (EWC) and the Federation of European Publishers (FEP) are delighted to announce that they have been appointed by the European Commission, DG Culture, to organise the European Prize for Literature (EUPL) to be awarded in autumn 2009.

Each year, between 2009 and 2011, 11 or 12 of the 34 countries participating in the EU Culture Programme will select their respective winner as emerging talent in the field of contemporary literature (fiction). The countries selected for 2009 are: Austria, Croatia, France, Hungary, Ireland, Italy, Lithuania, Norway, Poland, Portugal, Slovakia and Sweden.

The aim is to put the spotlight on the creativity and diverse wealth of Europe's contemporary literature, to promote the circulation of literature within Europe and encourage greater interest in non-national literary works. There will also be an award to a well-known European literary personality to take on the role of 'European Ambassador of Literature' for a one-year period.

The role of the consortium will be the co-ordination of the initiative, the setting up of national juries and the practical organisation of the award ceremony.

The European Commissioner for Education, Training, Culture and Youth, Mr Ján Figel, said: *"Books are an essential part of our history and the intellectual heritage of Europe. They reflect the particularity and the diversity of cultures as well as their common origins, and they promote intercultural dialogue. I welcome this new European Union prize, as it will help publicise and promote Europe's richness and cultural diversity. The fact that it will be awarded for the first time in 2009 is excellent timing, since 2009 is designated as the European Year of Creativity and Innovation."*

EBF President, John Mc Namee, commented: *"It is a very important step by the European Union to recognize the value of emerging talents which otherwise may not receive recognition or attention."*

Said John Erik Forslund, EWC President: *"This is a much longed for initiative giving possibilities for new findings and new awareness of our rich European contemporary literatures."*

FEP President, Federico Motta added: *"Due to the central role of literature in our common European cultural heritage, I am particularly pleased that together with the Commission and our natural partners, the writers and the booksellers, we will be organising this Prize and hence, increase visibility of writers from all over Europe."*

The prize is financed through the Culture Programme of the European Union. The programme supports trans-national cultural cooperation projects involving operators from a minimum of three different countries participating in the programme. It also provides specific support for the translation of literary works and is open to all cultural sectors except audiovisual, for which a separate programme exists.

For further information:

The Prize:

www.euprizeliterature.eu

http://ec.europa.eu/culture/our-programmes-and-actions/doc627_en.htm

The Culture programme:

http://ec.europa.eu/culture/index_en.htm

EBF-EWC-FEP Communiqué de presse - Le prix européen de littérature (12/12)

Bruxelles, 12 décembre 2008

La fédération des libraires européens (European Booksellers Federation - EBF), la fédération des associations européennes d'écrivains (FAEE) et la fédération des éditeurs européens (FEE) sont heureuses de communiquer qu'elles ont été retenues par la Commission européenne pour l'organisation du prix européen de littérature (EUPL) qui sera décerné en automne 2009.

Chaque année, entre 2009 et 2011, 11 ou 12 des 34 pays qui participent au programme européen Culture devront sélectionner un jeune romancier qui sera un des lauréats du prix européen littéraire. Les pays sélectionnés en 2009 sont : l'Autriche, la Croatie, la France, la Hongrie, l'Irlande, l'Italie, la Lituanie, la Norvège, la Pologne, le Portugal, la Slovaquie et la Suède.

Le but de l'initiative est de mettre en valeur la créativité et la richesse de la littérature contemporaine européenne, de promouvoir la diffusion de la littérature en Europe et de stimuler l'intérêt des citoyens pour des oeuvres littéraires en provenance d'autres pays européens. L'initiative prévoit également la nomination d'un ambassadeur de la littérature pour une période d'un an, qui sera une personnalité de renom en provenance du monde littéraire.

Le consortium aura pour tâche de coordonner l'initiative, de mettre en place les jurys nationaux et d'organiser la cérémonie de remise des prix. Le Commissaire européen pour l'éducation, la formation, la culture et la jeunesse, M.

Ján Figel, a déclaré: « *Les livres sont un élément essentiel de notre histoire et du patrimoine intellectuel de l'Europe. Ils sont le reflet de la particularité et de la diversité des cultures ainsi que de leurs origines communes, et ils favorisent le dialogue interculturel. Je me réjouis de ce nouveau prix de l'Union européenne parce qu'il va contribuer à faire connaître et à promouvoir la richesse et la diversité culturelle de l'Europe. Il sera décerné pour la première fois en 2009, et cela est excellent parce que cette année sera l'Année européenne de la créativité et de l'innovation.* »

Le président de l'EBF, John Mc Namee, a ajouté: « *C'est une étape très importante pour l'Union européenne qui reconnaît l'importance de jeunes talents littéraires qui risqueraient de passer inaperçus ou de ne pas être reconnus.* »

Et le président de la FAEE, John Erik Forslund, a approuvé: « *C'est une initiative attendue depuis longtemps qui ouvre la porte à de nouvelles découvertes dans notre riche littérature européenne.* »

Le président de la FEE, Federico Motta, a confirmé: « *En raison du rôle central de la littérature dans notre patrimoine culturel européen, je suis particulièrement heureux que nous organisions ce prix, en partenariat avec la Commission européenne et nos partenaires naturels, les écrivains et les libraires, et que nous puissions de la sorte accroître la visibilité des écrivains dans toute l'Europe.*»

Le prix est financé au titre du programme Culture de l'Union européenne. Le programme soutient des projets de coopération culturelle transnationale réunissant des intervenants d'au moins trois pays différents participant au programme. Il contribue aussi à aider la traduction d'oeuvres littéraires et est ouvert à tous les secteurs culturels, à l'exception de celui de l'audiovisuel, qui bénéficie d'un programme distinct.

Complément d'information:

Le prix:

http://ec.europa.eu/culture/our-programmes-and-actions/doc627_fr.htm

Le programme Culture:

http://ec.europa.eu/culture/index_fr.htm

EBF: frandubruille.eurobooks@skynet.be

FEE: abergman@fep-fee.eu

FAEE: EWC-Secretariat@inter.nl.net

Site Internet: www.euprizeliterature.eu

Nordic Conference on the Politics of Interculture, Stockholm, 12-13 November 2008 And Informal Members' meeting of the Platform for Intercultural Europe

This conference entitled 'How soon is now?' and organized by the Swedish Ministry of Culture achieved a good balance between policy discussion and practice examples. Prospective members of the newly established association, the Platform for Intercultural Europe, met to discuss its 2009 work programme and the transition from informal initiative to independent organisation.

During the conference, the Swedish, the Nordic and the European levels were taken into account. Excellent tasters from the Swedish project "[home not HOME](#)" under the European Year of Intercultural Dialogue were on offer, as well as recommendations and examples from the work of the Nordic Forum for Interculture, which were pleasantly coherent with the approach of "The Rainbow Paper". Intercultural Dialogue: "From Practice to Policy and Back" was also presented during the conference.

LabforCulture had a window on the event: <http://www.labforculture.org/en/labforculture/person/33347>
Presentations from some of the sessions including the recommendations from the Nordic working group are available on: <http://www.labforculture.org/en/labforculture/blog/33348>

Source: Culture Action Europe Newsletter # 3 <http://www.cultureactioneurope.org/newsletter/culture-action-europe-newsletter-3-full-version?lang=en>

Culture Programme Conference

On the 12th of December 2008, the first Culture Programme conference focused on presenting past and on-going project results (Culture 2000 and Culture Programmes). The aim of this event was to enable an exchange of experience and good practice between cultural operators. This event helped show the synergies between the Culture Programme and the European Agenda for Culture adopted by the Commission and Member States last year. The event consisted of plenary sessions as well as a complementary exhibition where 35 projects were showcased. Specifically, 10 selected projects focusing on 5 themes were presented.

For further information concerning this conference, please see the link below.
http://ec.europa.eu/culture/news/news1702_en.htm

Media Launch of the European Year of Creativity and Innovation 2009

IP/08/1893 Brussels, 5 December 2008

The European Commission launched the communication campaign for the European Year of Creativity and Innovation 2009 with the slogan "Imagine. Create. Innovate". The aim of the Year is to promote creative and innovative approaches in different sectors of human activity and contribute to better equip the European Union for the challenges ahead in a globalised world.

The European Year of Innovation and Creativity (EYCI) aims to raise awareness of the importance of creativity and innovation as key competences for personal, social and economic development. By emphasizing creativity and innovation, the EU aims at shaping Europe's future in a global competition by fostering the creative and innovative potential in all of us. The EU will offer a framework for raising awareness of the issues concerned and promoting a policy debate on how to increase Europe's creative and innovative potential. As for previous European Years, measures will include promotion campaigns, events and initiatives at European, national, regional and local levels.

On the eve of the campaign launch, the European Commissioner for Education, Culture, Training and Youth Ján Figel' said: "Both creativity and the capacity to innovate are key human qualities – they are inherent to all of us, and we make use of them in many situations and places, whether knowingly or not. With this European Year, I would like to see that the citizens of Europe understand better that by promoting human talents and the human capacity to innovate, we can actively shape Europe for the better, to help it fully develop its potential, both economically and socially."

Commissioner Ján Figel' was joined by Mikel Irujo Amezaga, Member of the European Parliament, Professor Edward de Bono – a leading authority in creative thinking and innovation and Professor Karlheinz Brandenburg – professor for Media Technology and director of the Fraunhofer Institute for Digital Media Technology IDMT, and Jordi Savall – the concert performer, teacher and music researcher, all three Ambassadors of the Year, to launch the communication campaign for the European Year 2009.

The press conference, at 12.30 in the Berlaymont, was attended by the members of the Vienna Vegetable Orchestra, who showcased their ingenuity as they prepared their instruments for a concert later the same evening. As a novel example of creativity, the orchestra played on instruments made solely of vegetables. This inaugural concert also featured as the official handover from the European Year of Intercultural Dialogue 2008 to its successor of 2009.

The official inauguration will take place in Prague on the 7th of January, in the presence of the Commission President Jose Manuel Barroso and the Czech Prime Minister Mirek Topolánek. The media launch of the Year also sees the inauguration of the website <http://www.create2009.europa.eu> dedicated to the Year with news, events and activities updated regularly throughout year, policy/publicity messages, reports of outcomes of activities and separate pages for partners of the Year. A special section will be dedicated to activities held in Member States.

For more information: <http://www.create2009.europa.eu/>

For the Press Release in different European languages:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1893&format=HTML&aged=0&language=EN&guiLanguage=fr>

PUBLIC LENDING RIGHT NEWS

PLR in Hungary

Anne Menyhért, Director of the Hungarian Literary Authors' Collecting Society – HLACS, and EWC Vice-President

The Hungarian Parliament adopted the new copyright legislation on 15th of December 2008. Copyright law now includes PLR. It is a very important achievement. Yet the first payment is to be postponed until 2012 and is to be based on the number of loans made in 2011. The Hungarian Literary Authors' Collecting Society (HLACS) has fought a long battle to bring this date forward, but unfortunately we were not successful. However, as a result of our activities, the case for PLR has gained significant publicity in Hungary. The general public, writers and MPs alike are aware of the importance of PLR.

HLACS was founded by ten writers' organisations in 2007 as an NGO, for the purpose of later becoming a collecting society for PLR. Today it has almost 300 members. HLACS worked together with the Ministry of Culture and Education throughout 2007–2008 on the preparations of the copyright bill. We were in agreement about the chosen method of PLR, i.e. payments will be based on the number of loans. The first payments were planned for 2010. But in September 2008, the Ministry of Culture and Education discovered that they do not have the sufficient funds in their budget of 2010 for the payments. According to the plans the amount will be around HUF 250 million (around EUR 1 million).

Consequently, the bill was handed over to the parliament with a closure stating that PLR will be implemented in 2009, but the first payment will be made only in 2012, based on the loans of 2011. Since then we have been extensively lobbying MPs, using the media to try to convince them to bring the first payment forward to 2010. The president of HLACS, László L. Simon, and I published an article in the biggest literary weekly titled "How long do we have to wait?" in which we described the situation and turned to MPs for help. I talked on the night news programme of Hungarian National Television M1, explaining what PLR was, and why it is important for writers. Several articles appeared in different daily papers.

We talked to the head of the Cultural Committee of the parliament and he, together with other members of the Cultural Committee, supported our ideas. They then put forward a motion for amendment. It was regrettably voted down by one single vote. (It is important to note a brief explanation about the current Hungarian political situation: the ruling party is the minority, and they were against the amendment. The opposition parties supported it, but some MPs were absent during the vote. We would have needed only two of them to win the case.)

So this is how we stand now. We have PLR in our legislation and the first payments will be made in 2012.

Last, but not least, EWC helped our case by sending letters to the Hungarian Minister of Education and Culture, the Chair of the Hungarian Parliament, the FIDESZ Floor Leader and the Head of the Cultural Committee. Many thanks to Myriam Diocaretz and John Erik Forslund for their help.

Budapest, 16th December 2008.

The Hungarian Parliament Responds to the EWC

From the Speaker of the Hungarian National Assembly

To Mr. John Erik Forslund
President of the European Writers' Council
Brussels

Budapest, 29 October 2008

Mr President,

Let me say thank you for your honourable letter in which you called my attention to the importance of the harmonization of internal legislation on lending rights with the 92/100/EEC Directive.

The Hungarian Parliament has already considered the harmonization of the national copyright legislation with the European legislation several times. For example in the text of Act LXXVI of 1999 as modified after the accession of Hungary to the European Union the above mentioned Directive is expressly mentioned. It is one objective of the Hungarian copyright legislation, among others, to comply with this directive.

According to the law of Hungary, the Minister of Justice and Law Enforcement responsible for the approximation of laws is the competent person in this issue. I inform you that there is currently a bill on the agenda of the Hungarian Parliament aiming at the amendment of Act LXXVI of 1999, which, among other things, drafts modifications regarding provisions on lending rights and, as it is stated in the justification of the draft, it aims at greater compliance with the aforementioned Directive.

Given the above, I will forward your letter to the Chairman of the Committee on Constitutional, Legislative and Judicial matters, which is the committee first assigned to cover the Bill together with my suggestion to the members of the committee to take the utmost account of its contents during the debate. Additionally, I will forward your letter to Minister Dr. Tibor Draskovics and ask him to give you additional, adequate and satisfying information about the application of lending rights in Hungary and about the Government's future plans regarding this issue.

Best regards,

Dr Katalin Szili

Speaker of the Hungarian National Assembly

From the Head of the Parliamentary Group - Fidesz Hungarian Civic Union

From Tibor Navracsics,
Fidesz Hungarian Civic Union to EWC President,

Budapest, 20 November

Dear Mr. Forslund,

I would like to thank you for your letter concerning the importance of being in accordance with the 92/100/EGK guideline regarding royalty laws.

As we pursue constant dialogue with the members of the Hungarian Literary Authors' Collecting Society (HLCAS), Fidesz – Hungarian Civic Union is fully aware of the importance of introducing library lending royalty fees.

I would like to inform you that the Hungarian parliament modified the Hungarian copyright law (1999, LXXVI.) several times over the past years to be in accordance with the European laws. Another amendment is being discussed at the moment which would introduce the library lending royalty fees in Hungary in accordance with the guidelines of the European Parliament and the Council.

According to the proposed bill, royalties would be calculated on the lending frequency of the given works. The authors would only be able to claim their royalties through a specified organization. That is why the Hungarian Literary Authors' Collecting Society (HLACS) was founded earlier on.

The Minister of Culture, together with the Minister of Justice and the president of the Hungarian Office of Copyright established the circle of "sample libraries", the ones that are obliged to provide a supply of data.

Most of the Hungarian Libraries are financed and owned by the local governments and the funds necessary for the operation are complemented by certain norms. Since the new royalties cannot be debited on the libraries or on the readers, the Ministry of Culture and Education needs to provide the necessary funds. The costs are estimated to be roughly 200-250 Million forints (0.8-1.0 Million Euros) per year.

Unfortunately the bill, contrary to the original proposals, would delay the introduction of the royalties until 2011, so the royalties would be collected and distributed first in 2012. Fidesz cannot support this bill; therefore we have proposed an amendment in which we propose the necessary 250 million forints to be allocated in the budget of 2010 based on the lending figures of 2009, making sure that the authors receive their royalties in appropriate time.

Should you have any further questions regarding the matter, dear Mr President, I remain at your disposal.

Yours sincerely,
Tibor Navracsics
Head of Parliamentary Group - Fidesz Hungarian Civic Union

KSB-3/46/2008

From the Chairman of the Hungarian Parliament

John Erik Forslund, President
Myriam Diocaretz, Secretary-General
European Writers' Council

Budapest 25th November 2008

Thank you very much for your letter of 9 October 2008 with regard to the implementation of Directive 92/100/EEC concerning the rental and lending rights and certain related rights in the Hungarian legislation.

PLR is important for writers all over Europe including Hungary; with the proposed modification of its copyright law Hungary shall be fulfilling the implementation of the above mentioned directive. Unfortunately, all of the discussion of the law modification is currently over-shadowed by the economic crisis. In a situation as such, tight budgetary measures are taken in every field, which, to our great sorrow, cannot leave cultural issues untouched. Although modifying the proposed target dates of

the law modification where fully supported by members of our committee, eventually these earlier dates were voted down in plenary - as you may already know. On the other hand, the preparation for implementing these new rules ensures that the functioning of MISZJE be untouched.

The necessity to implement these provisions in national legislation is unquestionable, however, economic reality must not pass unnoticed.

Sincerely yours,
Dr. Iván Pető
Chairman

The 8th International Public Lending Right Conference (2009)

The 8th International PLR Conference will be hosted by SPA (Sociedade Portuguesa de Autores) in Lisbon next year. Dates have still to be finalised but it is likely to be during the week beginning the 28th of September. The principal contact is Dr. Vanda Guerra, Director, International Relations Dept at SPA. For further information, please contact SPA at dept.internacional@spautores.pt

DIGITAL LIBRARIES

A Brief Report on the Norwegian National Libraries' High North Project Mette Møller, EWC Board Member

The National Library of Norway and representatives for Norwegian copyright holders have, for the last two years, collaborated on a pilot project in which Norwegian works are made available in digital format via the Internet within the defined subject area of the High North. The aim of this pilot project is, amongst other things, to develop extensive knowledge of technological solutions, rectify problems with links and to establish agreement mechanisms and usage patterns etc., which can form the basis for any future agreements on the digital dissemination of copyright protected material.

The High North was chosen as a theme for the pilot project due to current interest in this area. The Norwegian government's focus on the High North as a geopolitical area opens many problematic issues and uncovers material from many sources. Collecting the most relevant material in one location would represent an important contribution to knowledge about the High North, particularly since the works could then be presented in full-text versions on the internet. The sample consisted of works of fiction and non-fiction evenly distributed according to year of publication, with the most recent titles being publications from the previous year.

The National Library of Norway was responsible for selecting the sample, and for digitization and for providing technical solutions, whilst the licensing organizations handled the clearing of rights of the copyrighted material. The comprehensive collection of links was produced with the assistance of the Barents Secretariat and the Fellowship Programme for Studies in the High North at the University College of Bodø.

The terms and conditions governing collaboration between the National Library of Norway and the licensing organizations have been set forth in a separate agreement (<http://www.nb.no/nordomradene/>).

The pilot project was launched on 24 April 2007 and will run through to 2009. One year after the launch, experiences of the project were summarized in a quantitative analysis (in Norwegian only) which shows user patterns as at 24 April 2008 (<http://www.nb.no/nordomradene/Nordomradene-midtveisrapport.pdf>). In this evaluation, the “midway report” had been expanded and all experiential documentation has since been updated as of 1 October 2008.

Books in NBdigital are scanned using optical character recognition (OCR) and structurally analyzed. Supplementary metadata is also added. Any text retrieved using OCR is indexed in the National Library’s search engine together with the metadata. The High North material is not treated any differently. It is thus possible to search in the traditional manner for title and author (metadata), and at the same time search for words and phrases within the content itself (free-text search). If a search word is found in the text, the user is taken to the pages in the book where the text was found and he or she can then browse through the work. An automated structural analysis is also carried out in which any list of contents is annotated, and page numbers in the book are verified to ensure that the digital rendering retains the original pagination.

Users may leaf through works, jump to a particular page number and display the work at different resolutions and in different ways. The pages shown are displayed as digital images (JPEG format) of genuine pages of books, presented as individual images. No provision has been made for the printing of pages. Journals are scanned in their entirety, but access is limited to ensure that users may only read articles where the rights have been cleared. Bibsys users can go directly from viewing a book to ordering it through Bibsys. Users who wish to buy the book can click on a link which takes them to the sales service operated by the licensing organizations and buy the book or order a print-on-demand version of works that are otherwise unavailable.

Overall evaluation

The fact that 89 per cent of books and 85 per cent of journal articles have been visited supports the notion that users have found the service interesting. The project management has been unable to find surveys elsewhere that may be fully compared with this survey, in order to refer to a relevant reference. One example dealing with user frequencies: Nearly three-quarters of sessions saw content viewed. The investigation cited analyses of a project at University College London, and deals with students’ use of the curriculum.

The fact that 65 per cent of titles in the service that were accessed were published no later than 11 years ago implies that the internet is an effective channel for distributing literature, particularly titles that are difficult to access in other ways. It can also be seen that there is a good distribution among the subject areas in which there is an interest. The fact that such titles are made available also increases demand. Otherwise usage frequency increases in accordance with the time the service is operative: time generates usage. Credit should also go to smaller markets or niches. This phenomenon is generally called the Long Tail, a term that was first launched by the American writer Chris Andersson. The theory is that the vast majority of products (e.g. books) that are not immediate bestsellers have virtually the same value as those titles where demand is greatest, simply because they are numerous and sell over a long period of time. Andersson says: “This is not just a quantitative change, but a qualitative one, too. Bringing niches within reach reveals latent demand for non-commercial content. Then, demand shifts towards the niches, creating a positive feedback loop that will transform entire industries – and the culture – for decades to come”. The figures in this present analysis would appear to display a clear “tail effect”.

One deficiency of the survey is that it does not detect young users. In spite of its limited representation of the Norwegian population as a whole, the survey nevertheless gives a good indication of the actual users’ usage patterns, and supports to a certain degree the results found in other analyses.

The footprint analysis documents that the ten most active users have show a highly variable usage pattern. Some access a large number of titles; others make do with a small handful of titles. The fewer titles a user accesses, the more pages he or she reads. And one striking feature is that users generally access text pages. On the other hand, the majority of users appear to use the service in the same way one uses a library, namely as a place where one finds something interesting or something one needs. To a lesser extent, the website is used as a “reading room”, even though one can find exceptions to this rule (amongst other things, two of the fiction titles analyzed were most probably read in their entirety online).

Is it possible to document that the existence of the High North project has had an impact on library lending? The project management’s tentative conclusion is that during the project period there has been an increase in lending of the literature included in the project. It is not possible to demonstrate a direct correlation between the number of hits on the website and the ensuing number of loans of the same titles from libraries. Has the existence of the High North project affected the sale of titles included in the project? It does not look like the existence of the service has had any noticeable effect on sales – neither a positive nor a negative effect. On the other hand, the service’s sales function was only operative for the last months of the sales period.

The number of users and the number of pages viewed increased considerably when search engines were given access to the service’s metadata in January 2008. This corresponds with the findings of studies in other countries. One example: “those people accessing via search engines were most likely to record more views in a session and were more likely to view text pages”. The surveys referred to the analysis of two digitization projects at academic institutions in the United Kingdom and the USA. The project management has studied these analyses but has found that they are only suited as a frame of reference as indicated by differences between target groups, various lengths of the project periods and deviating criteria of analysis. On the other hand, one can still ascertain that the tendency and usage patterns documented substantiate to some extent the results in the present analysis.

Next step – The Norwegian Bookshelf

In parallel with the desire to streamline the pilot project, the project steering committee has considered the opportunities of extending their collaboration. Specifically, the parties have jointly begun to plan a new and more comprehensive project which is due to be launched in April 2009. The working title of the new project is “The Norwegian Bookshelf” – in which all Norwegian books published in the three decades 1790, 1890 and 1990 will be made available in digital form.

The complete report can be accessed at the following link: www.nb.no

Popularity Brought the Europeana.eu Site Down after it went Live on the 20th of November

MEMO/08/733 Brussels, 21 November 2008

On the first day of its launch, Europe’s digital library Europeana was overwhelmed by the interest shown by millions of users in this new project. On the basis of expert advice, Europeana had anticipated up to 5 million hits per hour on the site. The real interest was 3 times as strong. This massive interest slowed down the service so much that after having already doubled server capacity yesterday at noon, the Europeana management in The Hague (Netherlands) and the European Commission last night had to temporarily take down the site to take pressure off it. This is an unexpected difficulty, but it is also an encouraging sign that citizens in Europe and around the world have great interest in Europe’s digital library. It also provides strong motivation for the Europeana team and the experts from the Commission working on the project to intensify their efforts and the site’s technical back-up even further. Europeana must now be made more robust to deal with peak

hour requests as they happened yesterday – thousands of users searching in the very same second for famous cultural works like the Mona Lisa or books from Kafka, Cervantes or James Joyce. The European Commission and the experts from the Europeana project are working on this day and night to make a fully functional Europeana service available as soon as possible. The Commission and the Europeana management are confident that Europeana will be up and running again by mid-December. For the time being, a demo version of Europeana will be available at <http://dev.europeana.eu/>.

The site was down because of massive interest, which shows the enormous potential of Europeana for bringing cultural treasures from Europe's cultural institutions to the wide public. The 3 servers employed to support Europeana in The Netherlands could not cope with the traffic of around 10 million hits per hour (3,000 concurrent users – users doing the same thing at the exact same time), which led to the slowing down or the temporary unavailability of Europeana on Thursday, 20 November. The site went down several times (for periods lasting from a few minutes to an hour). It was slow throughout the day. Some users experienced more inconvenience than others, because of a load balancing issue (the way the traffic is handled by one server or another) between the 3 servers. The traffic increased in the afternoon and reached 13 million hits per hour (4,000 concurrent users). The most interest came from Germany, France, Spain, Italy and The Netherlands. 4% came also from the United States.

Great interest among European citizens for this early operational version of Europeana was expected by the Europeana management, but not to such a massive extent. To make a comparison: over a period of 4 hours, the site was visited by more individual users and hits than the previous web service 'The European Library' run by the national libraries, in a whole year. Stress tests were carried out on the site, and it performed well at levels of up to 5 million hits per hour, a figure based on expert advice.

After the site went down for the first time at about 11.00 hrs on Thursday, 20 November, the Europeana management in The Hague managed to increase computer capacity to deal with 8 million hits per hour (3 million more than what IT experts had foreseen and who had tested the site). This helped for a while, but did not prove to be enough. A serious upgrade of computer capacity will be carried out in the coming days and then tested in order to cope with the massive interest from the public.

The Commission stayed in close touch with the management of Europeana throughout yesterday and during the night. Last night it concluded with Europeana's management that it would be better to close the site at the moment and come back when the teething problems, particularly the capacity issue, are ironed out. This decision was implemented early on Friday, 21 November. Users can expect the Europeana site to work normally by mid-December.

For further information on Europeana, please see the following link: <http://dev.europeana.eu/>

THE AUTHORS' GUILD, THE ASSOCIATION OF AMERICAN PUBLISHERS AND THE GOOGLE STATEMENT: DIFFERENT VIEWS

Some EWC Members Respond Myriam Diocaretz, EWC Secretary-General

On 16 December IFRRO organised a telephone conference with international authors and publishers associations in membership of IFRRO, including EWC and the Federation of European Publishers, together with members from Australia, Canada, and other countries, to ask questions to Kinsella/Novak, the “plaintiffs’ attorneys, representing the “authors sub-class” and the Authors’ Guild, and the “publishers sub-class” respectively in the USA Google settlement. They are responsible for the “Google Book Search Settlement Notice Program” to notify rightholders of their rights under the settlement. The two-hour conference call gave us an opportunity to ask specific questions on the timetable to distribute the notice in 36 languages. There will be a worldwide mailing to inform right holders of their rights, because there may be right holders who may own a US copyright interest, who could benefit from receiving the information to make an informed decision. Before Christmas, all EWC members will receive a special communication with the key points on procedures which were clarified in the conference call and which are part of the settlement.

Communiqué de la Société des Gens de Lettres

SGDL’s press release of 4/12/08 stresses the key issue of digitisation and making available online of works, by Google, without previous authorisation from the right holders. According to la SGDL, the class action applies to the works potentially present in a United States library, and in this way also concerns directly the French authors and publishers. SGDL denounces this infringement on the principles of copyright, defined by French legislation and by the Berne Convention. One of these fundamental principles lies on the previous authorisation of a right holder for the exploitation of his/her work.

The SGDL adds that the USA rules seem to ignore the moral rights of the author. In conclusion, la SGDL is currently engaged in a legal action in the French Court, with the Syndicat National de L’Edition in order to demand an acknowledgement of the infringements of the authors’ rights and to obtain compensation for damages due to the digitisation copyright protected works carried out by Google.

The Press Release: <http://www.sgdl.org/accueil.asp>

The Society of Authors Issues a Statement

Under the title “US Litigation Against Google Settled”, the SoA states that they “supported the robust action of the Authors Guild of America and welcome the settlement. “It is going to be some time before the highly complex 323-page document is approved and implemented.” They add that “in due course ALCS, with assistance from the Society, will help authors identify works which have been digitised by Google and will give guidance on the procedure for making claims.”

For the full statement, visit the SoA’s web page:

http://www.societyofauthors.org/information-and-news/news-for-authors/news_detail.html?newsarticlepk=CF1993D1D44E558B003AEAE096BADA6D

ALCS takes lead on Google settlement

Following the proposed settlement in the lawsuits brought by the Authors’ Guild, the Association of American Publishers and individual authors and publishers against Google, Britain’s Authors’ Licensing and Collecting Society (ALCS) has met with the US lawyers responsible for the Class Action and is liaising with the Authors Guild in the US. ALCS is working closely with the Society of Authors, the Writers’ Guild of Great Britain, the National Union of Journalists and the Association of Authors’ Agents and the Personal Managers Association to ensure that British writers or their estates are made aware of the settlement and the steps they need to take.

The settlement is subject to approval in the US courts in January next year and, if it is indeed approved, the ALCS will ensure that all interested parties receive the official Notice of Class Action Settlement, which will provide information as to the rights and benefits pursuant to it in the event of individual authors holding rights in any of the relevant works digitised by Google.

Source: http://www.bookbrunch.co.uk/index.php?option=com_content&view=section&layout=blog&id=11&Itemid=69&limitstart=20

An Excerpt from the Statement by Imre Török, President of German Writers Union (VS):

“The Google agreement from our point of view is not compatible with European concept of authors’ rights. It will intensify the tendency towards monopolization. Authors who do not want to join the registry office will become outsiders. The material and moral rights of authors are not for sale”. (Translated by Anna Dünnebier, EWC Board Member)

**A Statement from the President of the European Writers’ Congress
John Erik Forslund**

The parties to the settlement point out as main results:

- more access to out-of-print books
- additional ways to purchase copyrighted books
- institutional subscriptions to millions of books online
- free access from U.S. libraries
- compensation to authors and publishers and control over access to their works through a new Book Rights Registry

Google will pay 125 million US dollars to resolve existing claims by authors and publishers, to cover legal fees and to establish the Book Rights Registry (with authors and publishers representatives constituting the board) with the tasks of distributing payments, locating rightholders and maintaining accurate rightholder information. At least 45 million US dollars will be paid to rightholders for unauthorised scanning by Google. 34,5 million US dollars will be used to build up the Book Rights Registry, communicate notice of the settlement to authors and publishers around the world, and to administer the \$45 million in payments. Rightholders will receive part of the revenues from planned institutional subscriptions of the books, from sales of online consumer access and from printouts at public libraries.

The worldwide notice program (via, for instance, a website in 36 languages) required by US law starts in January 2009 (and is scheduled to finish in May) with the task of giving information on the content of the settlement to concerned rightholders of copyright books or inserts in books, so that he or she can take an informed stance regarding the settlement. Many persons outside the US will be affected by the settlement because it covers US copyright interests in books published outside the US that were collected by US libraries.

The basic concept of the settlement is the opt-out model for a book that is out-of print and the opt-in model for a book that is in print.

The settlement would resolve the class-action lawsuit brought against Google for the company’s unauthorised scanning of books and displaying snippets for profit. The settlement will be reviewed by a US district court in New York and will only take effect if the court approves. (Its decision is scheduled for June 2009.)

-The Authors' Guild is a writers' organisation with 8000 members working to protect and promote American writers' copyright interests with the tools available under U.S. law. Through the settlement, copyright principles have been maintained and it must be regarded as a contribution to the efforts of the text world to create new business models and to avoid far-reaching difficulties with piracy of the kind that has heavily affected the music and film industries for many years now. The way Google now handles its new position on this sector must of course be closely observed as well as other aspects of the settlement, EWC President John Erik Forslund says.

-On the European level we are trying to contribute to the development of new business models within the book sector under the auspices of the EU Digital Libraries Initiative as part of the Lisbon agenda. Much work has been done by concerned parties, most importantly perhaps by the special Copyright Sub-group under the Initiative, in order to create prerequisites and models for licensing agreements on a voluntary basis.

-On the European level, for instance, through the ARROW project involving a broad range of European stakeholders and experts, the work on further solutions now continues, underpinned by the endorsed findings of the Copyright Subgroup and in compliance with European legislation. On the national level there are promising digitisation and making available projects going on. At the same time though, the recent Green Paper from the Commission on Copyright in the Knowledge Economy seems to have a preference for further restrictions of the rights of the authors as a viable road ahead. In the US, on the other hand, circumstances now have produced a settlement introducing new business models after a lawsuit from authors and publishers taking the form of a class action, John Erik Forslund concludes.

See: www.authorsguild.org Authors Guild v. Google Settlement Resources Page; Settlement Agreement, joint press release October 28, Joint Public FAQ, Message from Roy Blount Jr. President Authors Guild. Etc.

NEWS FROM OUR MEMBERS

New Law in Finland

Mikaela Sundström, Finlands Svenska Författareförening / Society of Swedish Authors in Finland

From the beginning of 2009, there will be significant changes in the social conditions of writers in Finland. Many writers are dependent on grants and the big change is that from now on grants will include pension contributions, as well as social security in case of sickness or injury, i.e. sickness allowance and accidental insurance. There will also be a possibility to get payment in the case of unemployment.

Writers, together with other artists as well as scientists working on grants, will be insured under the Farmers' Social Insurance Institution.

On behalf of the writers' together with other artists' organizations in Finland, the solution to be linked with the farmers has many positive effects. Besides the economical benefits, the choice of using a Farmers' Social Insurance Institution to handle the practical side of the Finnish reform is smart. The readiness and openness to create a system that also works in practice seems obvious. Since the farming population in Finland has a reversed basis concerning benefit-takers and payers, the choice if

including around ten thousand grant takers into the system has a positive effect as a whole as well. It is a so called win-win situation.

The state and the main foundations that offer grants are taking their responsibility in this reform by increasing the sum that is given out. Grants will remain out of the taxation system but the insurance will be compulsory for grants that are given for a longer period than 4 months.

In a larger scale the reform work of the social situation of writers, artists and scientists working on grants can be seen as a sort of “pilot project”. The very basis of labour looks very different now than a few decades ago. An openness in thinking and in the way things are viewed is needed. One interesting point that it is important to mention is that this reform was supported by all political fractions in Finland.

Writing Contest on Human Rights Anna Dünnebier, EWC Board Member

The German Writers’ Union organized a contest for young people on the occasion of the 60th anniversary of the “Declaration of Human Rights”. The teenagers were asked to write a short story on human rights, respect of others and problems of racism and intolerance. From many interesting contributions the jury chose 15 winners who are invited to spend a weekend in Berlin having discussions and workshops with writers and translators.

60th Celebration of the Universal Declaration of Human Rights: Freedom of Expression, Human Rights and Global Information, (*) Tiziana Colusso, EWC Board Member

From the time when the Universal Declaration of Human Rights was formulated and approved, the world has become more and more complex. The legal bases for these rights are still the same, but the context to which they can be applied has developed through the decades following modes and patterns that were simply unthinkable before.

At present, it is necessary to compound the right for freedom of thought and expression and the connected right for free circulation of information, ratified in Article 19 of the Declaration, with the global impact of Internet and the digital environment.

The recent news about a code of self regulation established by Youtube, an Internet platform visited and used every day by millions of persons all around the world, was perceived as a signal that it is the end of the Internet as being an unregulated and even wild space intended to give expression and direct showcase to its users, without any preventive filter and without distinction between musical video clips, neonazi choirs, narcissistic shows and denouncing reportages made by activists from undemocratic countries. In reality, the Youtube decision to apply censorship to the materials sent by users is generated not from a moralist concern, but by the will to present a more “decent” and civil Net platform to potential advertisers. But censorship is always a controversial and delicate matter, namely due to the fact that it is very difficult to check its real limits.

As for the Youtube issue, the proposals to legally regulate the Net coming from different governments demonstrate that the Resolution of the European Parliament in 2006 concerning ‘freedom of expression on the Internet’ was only a first and partial attempt to rule this magmatic matter.

Of course, writers are aware of this new global context: the authors, until now have been in some way “privileged communicators” and are today plunged in a mess of new possibilities, in a horizon of “communication democracy”, but at the same time they continue to be the target of direct and indirect censorships and sometimes even face personal persecution. It is enough to read the regular reports of International Pen Club – issued on many occasions as the “World Day of the writers in prison to understand very well the extent of this problem in a wide range of countries. In some States the mere fact that one is a journalist or a writer is regarded with suspicion, and freedom of thought, expression and printing are still a daily yearning.

The wide and global communication in the Internet Era has not solved all the ancient and serious problems of censorship and limitations with respect to freedom of expression, but has merely mixed these kinds of issues with a lot of others issues, all in a very complex environment where communication democracy, digital divide, governmental and commercial attempts to control the Net co-exist.

The Net as a communication tool is an exciting platform for writers: Roberto Saviano, the Italian writer menaced by Mafia organizations for his criticisms put forward in his book *Gomorra*, already translated in many languages, has recently decided to open personal forums on the Net, and can even be found to be present on some blogs and on the Facebook platform. Writers are workers that use words as professional tools, so every change in the norms, every progress or lack of progress in the communication context has an immediate impact on the individual authors as a peculiar “category”.

The case of Roberto Saviano, as in the case of Salman Rushdie who was recently invited with Saviano to the Swedish Academy in Stockholm (the body that selects the Nobel literature prize winner) and of the Bangladesh writer Taslima Nasreen and indeed many other less known authors, demonstrate that in an epoch characterized by the spreading of the democracy of communication and by the proliferation of declarations, documents, direct voices by the citizens that use the Internet, the writer has still a sort of personal aura that puts him or her in the position – at the same time privileged and uncomfortable – of being an “excellent witness.”

A true author, in fact, is not only a communicator that gathers and spreads information, but is a peculiar mind that is able to elaborate the historical, social, and behavioural data in original and even prophetic visions. Reading again some pages of *Shame*, the touching novel written by Taslima Nasreen at the beginning of the ‘90s, and in light of the recent bloody events in Mumbai, it becomes evident there is a prophetic value of this book for perceiving increasing religious intolerance and lack of dialogue. In a passage in the novel, one of the characters, Suranjian, is closed in his house, besieged by a fundamentalist attack, and is plunged in sad thoughts. The novelist comments: “Saranjian doesn’t remember to have ever prayed in his life. He swore allegiance to the cause of equitable socialism in his country, he supported the cause of the peasants and workers and he fought for economical reform. He dedicated so much time to others; he forgot his own family, his own interests. And now, he is castigated by finger, classified as hindu”. We have all seen the dramatic consequences of this evolution in society, in which the enemies are largely no longer divided by social inequalities, but more by religious or ethnic differences. These kinds of facts are told by TV news, newspapers, sometimes treated in some political Resolutions. But only writers can offer a deep journey into human souls that lets us understand what is really happening around us, and what kind of solutions can be found.

For this tricky and essential role as witness of their time, writers need support from all of society, and for that reason freedom of expression is not simply one of the several human rights, less urgent maybe than the right to healthcare or food, but it is the very space in which the human race can evolve to higher stages of evolution.

(*) this is an excerpt of an article published in Italian in www.fondazionedivittorio.net

CEATL Press Release

Precarious Working Conditions Jeopardise Quality of Literature in Translation

Conseil Européen Des Associations De Traducteurs Littéraires / European Council of Literary Translators' Associations

Brussels, 12 December 2008

The European Council of Literary Translators' Associations (CEATL) announces the publication of its comparative study of European literary translators' social and economic conditions carried out in 2007–2008, the first survey of its kind. The main conclusion: nowhere in Europe can literary translators make a living under the conditions imposed on them by “the market”; in many countries (including some of the wealthiest), their situation can only be described as catastrophic. This is a serious social problem on a continent that prides itself in being developed, multicultural and multilingual, but it is also, and above all, a major artistic and cultural problem. What are the implications for the quality of literary exchanges between our societies if literary translators have to dash off their work in haste in order to keep body and soul together?

To download the study, click on one of the links below:

www.ceatl.eu/docs/surveyuk.pdf (English) or

www.ceatl.eu/docs/surveyfr.pdf (French).

The publication of this study coincides with the launch of CEATL's revamped website, which is now at www.ceatl.eu. – “An impressive pool of comparative data” (Budapest Observer)

For further information, please contact: info@ceatl.eu

WALTIC Update

To all Participants in the Writers' and Literary Translators' International Congress 29 June-2 July 2008

Stockholm, December 2008

Several months have passed since we parted. At the Swedish Writers' Union we are now back at the office, trying to put together our various experiences, impressions, contacts - and above all, we are striving for the continued existence of the WALTIC concept. Our goal, as Mats Söderlund said in his speech on the last day of the congress, is WALTIC 2010. Date and place are yet to be established. We are interested in hearing from you. All your ideas and suggestions are welcome. Please contact the Swedish Writers' Union, Anna Forslund, at: af@sff.info.

The WALTIC Resolution

We obtained 358 signatures on the resolution during the Congress. We are currently distributing it around the world with the aid of Unesco. Please feel free to distribute and use the WALTIC resolution. You will find it at www.waltic.com.

The WALTIC Website

waltic.com will remain on-line, and our aim is to use the website as a global forum for writers, translators and others working with WALTIC's core issues. We will strive to build a platform for the exchange of ideas and experiences.

If you were a participant in the Best Practice & Stories programme, you may still have your abstract published on the website, just e-mail it to us at The Swedish Writers' Union, af@sff.info.

The Gender Workshop Mailing List

The spontaneous meeting on the last day of the congress, initiated by Taslima Nasrin, Jasmina Tešanovic and Dubravka Ugrešić, resulted in 47 delegates signing up for the “WALTIC Gender Workshop Mailing List”. We are currently investigating the format this list will take. Do you want to sign up? Please contact af@sff.info.

Rewrite the Future

The Save the Children campaign “Rewrite the Future” continues. Nearly 200 WALTIC delegates signed up during the Congress. You can read more about the campaign at: www.savethechildren.net/rewritethefuture.

Finally, we would like to thank everyone who came and made the first WALTIC a success! Please do not hesitate to contact us if you need any WALTIC information or materials.

The WALTIC Organization Committee

The Swedish Writers' Union

PO Box 3157, SE-103 63 Stockholm, Sweden

Phone: +46 8 545 132 00 - Fax: +46 8 545 132 10 - E-mail: sff@sff.

FROM OUR ALLIES AND PARTNERS - News from WIPO

Member States Review Key Copyright Issues

WIPO member states meeting under the auspices of the Standing Committee on Copyright and Related Rights met from November 2 to 7 November 2008 to review a number of key copyright issues. Under the chairmanship of Mr. Jukka Liedes of Finland, the SCCR examined the current state of play WIPO's work on limitations and exceptions, the protection of audiovisual performances and the protection of broadcasting organizations. Discussions also featured the question of access to copyright-protected content by visually impaired persons.

Limitations and Exceptions: Access for Visually Impaired People

A number of member states acknowledged the special needs of disabled persons (including the blind, visually impaired and other reading-disabled persons) and stressed the importance of addressing those needs. They further agreed to analyse current limitations and exceptions. The meeting also discussed the possible establishment of a stakeholders' platform at WIPO, to facilitate secure access for disabled persons to copyright-protected works. The need for visually disabled people to have access to copyright protected works in a readable format (e.g. Braille, large print and audiobooks) may involve copying and transforming a given work into a large-text or other format. National law in many countries allow such copying and transformation without the rightsowners' permissions, in other countries, however, such acts could infringe copyright if undertaken without authorization.

Limitations and exceptions exist as a counterbalance to the exclusive rights granted under copyright law and intellectual property law in general. Limitations and exceptions help to ensure that the public interest is safeguarded. As copyright laws are essentially territorial, there is no uniform treatment of limitations and exceptions within national laws. To promote understanding of the diverse ways in which limitations and exceptions are handled within national systems, the SCCR requested that a questionnaire be prepared and circulated ahead of its next session. The areas covered by the questionnaire will include limitations and exceptions related to educational activities, activities of

libraries and archives, provisions for disabled persons, as well as digital technology in the field of copyright. The findings of the questionnaire would then serve as the basis for future SCCR discussions.

Audiovisual Performances

Delegates also discussed the status of negotiations on the protection of audiovisual performances. A diplomatic conference convened in 2000 which sought to update the rights of audiovisual performers at the international level concluded with no agreement. Member states attending last week's SCCR expressed their commitment to develop the international protection of performers in their audiovisual performances. Many delegations underlined the importance of information exchange as a means of building consensus on this issue. The SCCR supported the continued organization of regional and national seminars as a means of facilitating information exchange and promoting national systems of protection in this area.

Broadcasting Organizations

The SCCR decided to continue discussions on the protection of broadcasting organizations with a view to concluding an international instrument. Progress has been made in boosting understanding of the various stakeholder positions. However, further work is required to achieve agreement on the objectives, specific scope and object of protection of such an instrument before convening a diplomatic conference to conclude a treaty. All delegations, said that this process should proceed according to the WIPO General Assembly's decision in 2007. This decision stated that the approach to protection must be signal-based, and that a diplomatic conference could be convened only after agreement on objectives, specific scope and objective of protection had been achieved.

The SCCR agreed to continue its analysis of the matter and requested that an information meeting be organized during the SCCR's next session in May 2009. This information session would focus on the current conditions within the broadcasting environment.

Last week's session of the SCCR was preceded by a two-day information session where presentations were made on: WIPO Study on Limitations and Exceptions of Copyright and Related Rights in the Digital Environment, WIPO Study on Automated Rights Management Systems and Copyright Limitations and Exceptions, WIPO Study on Copyright Limitations and Exceptions for the Visually Impaired, WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives, and a Summary of the Outcome of Seminars and Stocktaking of Positions on the Protection of Audiovisual Performances.

Source: *WIPO Press Release /2008/575* Geneva, November 10, 2008

Conference Calls on WIPO to Boost Support for Collective Management of Copyright and Related Rights

A conference on the future evolution of collective management of copyright and related rights in Europe has called on WIPO to step up efforts to help stakeholders address the emerging challenges facing collective management. Participants urged WIPO to strengthen the copyright infrastructure so as to support creative industries and promote social, economic and cultural development.

The Conference on Collective Management of Copyright and Related Rights in Europe, held in Brussels from November 24 to 25, 2008, was organized by WIPO in association with the European Grouping of Societies of Authors and Composers (GESAC) and in cooperation with the Association of European Performers' Organisations (AEPO-ARTIS), and the International Confederation of Societies of Authors and Composers (CISAC).

WIPO Director General, Mr. Francis Gurry, assured participants that “copyright and related rights remain high on the agenda of WIPO.” He told the conference that collective management is “one of the most tried and tested tools for assisting in the effective implementation of copyright and related rights...and is the best option that we know for returning value to creators.”

Mr. Gurry said, “WIPO has an important role in supporting the tool of collective management, especially with respect to the developing countries.” He noted that collective management today is facing extraordinary challenges with economic, cultural, technological and legal implications, and that WIPO would focus on collective management systems within the context of its work on the future development of the global intellectual property infrastructure.

The Conference provided an inclusive forum for discussion of challenges arising from technological developments and trends in the digital market, rights management information systems and competition issues. Discussions focused on the future of collective management in the digital environment, and considered a range of improvements in the application and management of rights introduced by collective management organizations worldwide. It provided an opportunity to deepen the dialogue between stakeholders in the creation, licensing, and dissemination of creative content and allowed participants to draw on European experiences.

A wide range of issues was addressed, including the role of digital right management technologies in supporting the creation of new business models for legitimate delivery of protected content and collective management; interoperability; interactive online and mobile services; user-generated content and social collaboration platforms; good governance of collective management organizations; and double taxation of royalties.

Some 400 participants from collective management organizations, lawyers, academia, intergovernmental and non-governmental organizations, developers of digital technology and services and creative industries took part in the event.

Collective management societies administer the rights of authors, performers and other creators. Their main responsibility is the licensing, collection and distribution of royalties and remunerations to creators. The interlinked technological environment in which they operate today presents collective management societies with a number of challenges, not least in terms of how to track usage of their members’ works. The various solutions that have emerged in response to these challenges have forged new opportunities and mechanisms for managing creators’ rights.

Source: *WIPO Press Release/2008/577* Geneva, November 26, 2008