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Neuilly sur Seine, 13/04/2015

Ms Julia Reda  
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By post and email: [julia.reda@ep.europa.eu](mailto:julia.reda@ep.europa.eu)

Dear Ms Reda,

We, the undersigned, are creators who are active in different artistic fields: music, audio-visual, visual art and literature. Together, we represent the creative community around the world in our roles as President and Vice President of CISAC, the International Confederation of Societies of Authors and Composers. Although not all of us come from Europe, the process that is taking place now in the EU will no doubt affect all of us. It will certainly impact our rights and protection in European countries.

We write to you in order to address your initiative to elicit responses from the creative community, in the wake of your 14<sup>th</sup> January 2015 draft Report on copyright. We hope that our considered opinion provides you with a nuanced perspective on the issues addressed in your draft report. While this letter represents the signatories' views, we also speak as guardians of a legacy for the creators of the future, who will not have the same opportunities to make a living from their work if the current climate prevails or is permitted to worsen.

We note your declared commitment to "legal protection for [our] creative and artistic work...and the need for appropriate remuneration". We also note with interest your statement on "improvements to the contractual position of authors and performers in relation to right holders and intermediaries". This is vital, but other positions taken in your draft report are inimical to these commitments and vision. Regrettably, your report lacks suggestions for a clear plan or mechanisms that might facilitate your commitments and statements. An understanding of the realities for the ordinary individual creator is distinctly absent from the report. For ordinary creators the daily struggle to survive is marked by uncertainty as to whether use of their creative works will be remunerated, or whether these works will be fairly compensated.

Creators work alone and a collective voice is critical for us to be heard. We are therefore astounded that you question whether the various collecting societies (we prefer the term Authors' Societies, or Collective Management Organisations) that license our creative works really reflect our interests. The network of societies across Europe and the rest of the world is the one sector where creators do in fact have a voice. We, the creators, elect our representatives to serve on the boards of our societies. With few exceptions, it is we, the creators that form the majority of the board composition. It is the strength of the our societies

that guards our rights against what appears to us to be the relentless erosion of the value of our work in the face of powerful internet giants, who have built global businesses and amassed enormous profits on the back of the work of creators you purport to support.

Your report states that exceptions and limitations to copyright should be “enjoyed in the digital environment without any unequal treatment compared to those granted in the analogue world.” The report also calls for some mandatory exceptions. Regrettably, we could not find in the report any discussion on the adverse impact of exceptions and limitations on creators. Are we to infer that limitations and exceptions to copyright are only to be addressed in terms that benefit the user? Promoting free access to our content can only inflict further damage on our lives, the lives of our families and, arguably, the diversity and vibrancy of our culture. From our perspective, engagement of our audiences with creativity, whether via remixes, mash-ups or other transformative works, is something we welcome and encourage. But we should foster this engagement in a way that does not compromise the legitimate economic and moral interests of the creators of the underlying works and those who invested in their production.

For the private citizen wanting to explore copyright works, access to information about ownership and simple licensing processes are important. It is exactly for this reason that we the creators, through our societies, have supported the development of a growing network of interlinked databases of global ownership of works, with globally recognised works identifiers. These have been funded by creators and their partners, with little or no assistance from governments.

In your report, you also call to “harmonise the term of protection of copyright to a duration that does not exceed the current international standards”, effectively meaning a shorter duration than that available in Europe and the majority of countries globally. Your recommendation is completely ignorant of today’s reality of a longer life span of creative works, in particular digitally. The Commission’s ‘Creative Europe’ communication promised “evidence based policy making” for the cultural and creative sectors. We would be very interested in seeing the evidence upon which this policy recommendation is based. Was your proposed change to the existing term of protection based on any evidence? Was there any consideration to extend it, as opposed to limiting it? Now that digital technologies can help facilitate access to, and preserve our works, forever, an extension seems even more justified.

Education and public awareness is equally important to creators. Where, we ask, is the political will and funds to support and promote a genuine commitment to education about rights in creative works? This would benefit us all.

Reaching our audiences is what drives our work. Whether it is in the analogue or the digital domain, it is the parties that stand between us and our audiences who should share with us the responsibility for the collection of our remuneration. In the analogue world, all those in the value chain of distribution of our works had financial responsibility and accountability. It is a source of constant frustration that digital distributors have for so long escaped this responsibility. And where these digital services do, finally, factor creators’ remuneration into their operations, our remuneration is unacceptably low and not reflective of the market value of our works.

We agree the law as it stands must evolve to accommodate technological developments. However, the solution to accommodating technological changes does not lie in weakening creators’ economic and moral rights. High profile Internet distributors have built their businesses upon a cynical exploitation of laws drafted when the Internet was in its early days. Many digital businesses have expanded at our expense, and regrettably existing laws have enabled them to do so.

Of course, we agree that there needs to be a balance achieved between rights holders and the public. But this balance should not be struck at the expense of the increasingly fragile community of creators.

We are flattered that you have sought our opinions. But we feel that your elevated position and public platform would be better employed fighting to ensure creators are paid a living wage for their work. The alternative is that we and our colleagues and the creators of the future will simply have to apply our talents

elsewhere. Your proposals can only lead to the poverty of creators and a culturally impoverished Europe. Is that the kind of world you envisage and are happy to promote to your electorate and the wider European community?

Ms Reda, it is time to do what's right. There is an urgent need to rebalance the picture and ensure the future of creators in Europe. This will be achieved only through an objective review of the challenging and fragile situation facing creators, and the unfair remuneration they are getting in the digital market. We truly believe that your review should focus on this issue, and call upon you to use your position to support a fairer digital market for creators.



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