



Brussels, 28th February 2008

Creators' statement on the EU Consultation on Creative Content Online in the Single Market

The undersigned organisations representing the interests of writers, literary translators, journalists, as well as sound and audiovisual performers welcome the opportunity to contribute to the EU Consultation on Creative Content Online in the Single Market.

While we retain the opportunity to respond separately to this consultation, we would like to stress a few points of common concern which, we believe are crucial to the roll-out of innovative business models for the delivery of diverse online creative content services.

As providers of creative content which is increasingly also distributed online, our members play a fundamental role in the European cultural, media and entertainment industry, which now provides 6% of European Gross Domestic Product.

- **Content Online Platform**

We welcome the setting-up of the “Content Online Platform”, which, we understand, will offer a “*framework for discussion*” on new business models for online content distribution, and other important issues such as the fight against piracy, online rights management, the promotion of European works, multilingualism and general interest principles.

As representatives of several hundreds of thousands of Europe’s creative talent, these issues are of crucial concern to us as they have direct implications on the use which is made of the content created by our members. We therefore believe that all parties should be included in this process, if this “*framework for discussion*” is to achieve solutions that are acceptable to all.

- **Multi-territory licenses**

Our organisations believe that no step should be taken at EU level that could weaken the functioning of nationally-based licensing schemes, based either on collective bargaining, on collective management or on a combination of both. We therefore do not believe that the Commission should issue a Recommendation on the issue of multi-territory licenses.

The ability to reach new audiences by making content available on new platforms, including on a pan-European basis, should be a decision vested on content right owners, in accordance with their own bargaining practices, with the flexibility needed to adapt to new forms of exploitation, sustain the financial viability of the industry and allow for a proportional remuneration of all creators.

Collective agreements and collective management already provide flexible and practical ways to licence content, including for online use. These mechanisms should be further encouraged by ensuring that the remuneration of creators is proportional to the revenue generated by the exploitation of their work, rather than a mere symbolic token, as is sometimes the case by way of statutory presumptions of transfer of their rights and consequent buy-outs.

- **DRMs**

Technical Protection Measures (TPMs) and Rights Management Information (RMI) systems have an important role to play in the roll-out of new online business models that are flexible enough to meet an increasingly diversified demand; to the extent that they also allow for a more accurate and equitable remuneration of all content owners, they should be encouraged and protected.

We believe, however, that the interoperability of TPMs should be encouraged but not imposed from above. Provided it becomes an issue in the audiovisual world, it will ultimately be the result of a strong market demand – as it is currently already the case in the music sector.

- **Need to maintain levies for private copying**

Although the issue of private copying levies is not mentioned as such in the consultation, we would like to stress that they remain the best option to date to fairly compensate authors and performers for the use of their work for private purposes.

Yours sincerely,

The undersigned European organisations of Creators.

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