



**International
Federation
of Journalists**

To: **Mr Jesus M. Posada Moreno**, Speaker of the Congress of Deputies, Spain (from now on CD)
To: **Mr Juan Manuel Albendea Pabón**, President of the Culture Committee (CD)
To: **Mr Juan de Dios Ruano Gómez**, Spokesman of the Popular Party, PP (CD)
To: **Mr. José Andrés Torres Mora**, Spokesman of the Socialist Party, PSOE (CD)
To: **Ms Montserrat Surroca I Comas**, Spokeswoman of Convergencia i Unió, CiU (CD)
To: **Joseba Andoni Agirretxea Urresti**, Spokesman of Nationalist Basque Party, PNV (CD)
To: **Mr Antonio Cantó García del Moral**, Spokesman of Union of Progress and Democracy, PyD (CD)
To: **Ms Ana María Oramas Glez-Moro**, Spokeswoman of the Mixed Group (CD)

Congreso de los Diputados

Calle Floridablanca, s/n 28071 MADRID (Spain)

From: IFJ President
EFJ President
Résidence Palace,
Rue de la loi 155,
1040 Brussels, Belgium

Brussels, 14th March 2014

Dear President, dear deputies and representatives of the political groups,

The International Federation of Journalists (IFJ) representing 172 journalists' unions and associations around the world and the European Federation of journalists (EFJ), the sister organisation of the IFJ, representing 60 unions and associations across 40 European countries seek to defend press freedom and social justice through strong, free and independent trade unions of journalists. Together, the IFJ and EFJ demand that journalists be recognised as authors of the works they create, are able to control further use of their works and can negotiate equitable remuneration for these uses.

The IFJ and the EFJ would like to draw your attention to the current Bill on authors' rights (proyecto de Ley de modificación del texto refundido de la Ley de Propiedad Intelectual, Real Decreto Legislativo 1/1996, y Ley de Enjuiciamiento Civil 1/2000), which was introduced before your parliament on 14th February 2014 and that will soon be discussed in your political groups.

The Berne Convention enacted in 1886, undersigned by Spain, recognises the economic and moral rights of authors, including journalists. All creators of journalistic works whether they are working as staff or freelance should currently enjoy authors' rights protection for the work that they produce. This is essential both for supplying the media with quality content and for journalists to make a living.

We are seriously concerned about the lack of recognition of journalists' authors' rights in the current Bill on authors' rights and fully support our Spanish colleagues in their demand for the full recognition of journalists' authorship in Spanish law.

In 2011, the European Commission's communication on "A single market for intellectual property rights"¹ rightly stated that "*Journalists are authors and their work is important not only because they report, comment on and interpret the world we live in but also because freedom of the press is living testimony to Europe's pluralistic and democratic society*".

A recent European Parliament study on contractual arrangements applicable to creators provides compelling evidence of the forced transfer of authors' rights to employers that journalists experience in their professional life.

The rights' confiscation phenomenon will continue until your Parliament sends a strong message that authors remain the holders of their rights over the content and that those rights can only be licensed against payment reflecting the uses that will be made of these works.

In full solidarity with the Spanish Platform for Journalists' Authors' Rights we urge you to recognise journalists as authors, define journalistic works so that they are not considered as collective works, and guarantee journalists the right to decide on the use and re-use of their work.

Similarly it should be established with the same precision that pictures taken by media professionals should never be described as mere "images" which deprive their authors of the benefit of authors' rights protection. Taking a press photograph involves an intention and an intellectual expertise. It should therefore be considered as a work subject to authors' rights protection.

It is also of the utmost importance that journalists participate in the Spanish commission for intellectual property rights which will set the guidelines for the new authors' rights law. This will allow journalists to have their say alongside other professional creators when issues of infringement of authors' rights and other known misuses such as "piracy", "computer hacking" or "intellectual theft" are being addressed. It is an important step for the full recognition of our colleagues among the list of authors in Spain, as it is the case in other European countries.

Yours respectfully,



Jim Boumelha

IFJ President



Mogens Blicher Bjerregård

EFJ President

¹ http://ec.europa.eu/internal_market/copyright/docs/ipr_strategy/COM_2011_287_en.pdf