



Brussels, 27 November 2012

Dear President,
Dear Mr Barroso,

We have been informed of the European Commission's orientation debate, scheduled to take place on 5 December on the modernisation of copyright, and wish to ask for your support for a policy to maintain the current strong position of the European publishing industry, with the view to allow us to strengthen it even further. To this end we request that you back Commissioner Michel Barnier's approach in his initiative "Licensing Europe".

- EWC is the non-profit federation of 60 professional writers' and literary translators' national and trans-national associations in 34 European countries, covering all genres of the book and text-sector, representing over 140000 individual authors in 40 languages.
- FEP is the independent non-commercial umbrella association of book publishers associations in the European Union, representing 27 national associations of book publishers of the European Union and of the European Economic Area.
- IFRRO is the international network of collective management organisations in print and publishing, which also counts national and international authors' and publishers' associations among its 138 members in 76 countries.

Despite the financial difficulties encountered at the moment, the book sector continues to be strong and flourishing in Europe, providing jobs to many Europeans, and it enjoys a leading position also worldwide. Europe can count on more than 200 000 writers (and literary translators); publishers are global leaders: 7 out of the 10 leading publishers are European; and income from secondary uses of their works are administered by Reprographic Rights Organisations (RROs), the collectives in the text and image-based sector, plays a crucial role in the creation of new works and the investment to uphold a dynamic and innovative publishing industry. RROs distribute annually in excess of € 800 million to authors and publishers worldwide, more than half of it (€ 510 mill in 2011) to European rightholders.. Earlier this year, PwC carried out a study¹ which showed that a decline in income of 10% from that income to UK rightholders would lead to a fall of 20 %, or in excess of 2,000 new works, per year only in the UK; the amount invested by publishers is close to equal to the income from secondary uses, and it is the investment in new innovative products to make the publishing industry more competitive that would suffer from a reduction in that income.

A policy to broaden exceptions and limitations, including for education and libraries, would jeopardise the income of authors and publishers and, consequently, have a negative impact on their competitiveness and ability to invest in innovative new products. We fail to see that this is in the interest of the declared objective of the European Commission to shape the future Europe on the knowledge-based economy, which is built on copyright content and other intellectual property. In a fast changing world where technologies move with an unprecedented speed regulations and

¹ http://www.cla.co.uk/data/corporate_material/submissions/an_economic_analysis_of_education_exceptions_in_copyright_-_pwc_final_report.pdf

copyright exceptions do not have the ability to offer the required flexibility to users of copyright works; licensing agreements with rightholders and the RROs do. Licensing is also a decisive mechanism for creating balance between meeting user demands on the one hand, and rightholders in their mission to innovate and disseminate knowledge and cultural expressions in the broadest possible way legally on the other.

We have always been willing to find the best possible solutions to provide the broadest possible access to books and learned journals, with the objective to satisfy the widest audience of European (and other) readers. Writing works and giving access to them to citizens, libraries, education and research institutions, as well as to other entities, is our *raison d'être*.

Firstly, the sector offers, at least, pan-European licensing, which means that the books and learned journals can be read from anywhere in Europe (for most cases world-wide as licenses often relate to languages).

Secondly, our sector keeps innovating in information technologies and business models to maintain and, when required, develop easy, affordable and practical licensing solutions for relevant forms of works access, be it for individual readers, libraries, teachers, researchers or other user groups. Copyright enables authors and publishers, to license, directly or through collectives, in order to make content available to all. Development and innovation requires stable and predictable framework conditions. New initiatives on the broadening of copyright exceptions and imitations are not helpful in that respect.

Thirdly, whenever there have been requests to develop solutions to address new challenges, the rightholder communities in our sector have shown willingness to work with other stakeholders and, whenever appropriate and required, with governments and/or the EU institutions to find balanced solutions - for the benefit of users, copyright holders and society at large - while preserving the strength of the European publishing sector. Examples include the Orphan Works Directive; solutions to facilitate the digitisation and making available European cultural heritage, including the creation of ARROW², and the adoption of a Memorandum of Understanding³ with the library organisations on out-of-commerce works).

We value the current copyright legislation as it brings certainty to our investments, be it time, work and talent for authors, and financial input and expertise for publishers. We therefore reiterate our call for your support to the balanced approach proposed by Commissioner Michel Barnier in the initiative "Licensing Europe".

We remain at your disposal to expand on the points raised in this letter, including making presentations of examples of innovative licensing models brought to the user communities by our sector, and offer our expertise on those issues within the framework of future dialogue at EU level.

Yours sincerely,

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² ARROW is a tool to facilitate rights information management in any digitisation project involving text and image based works (<http://www.arrow-net.eu/>)

³ http://ec.europa.eu/internal_market/copyright/out-of-commerce/index_en.htm