



Right or wrong?

For the Federation of European Publishers the issues surrounding copyright in the new digital age have reached a crossroads

“When Charles Clark was acting as copyright counsel for the Federation of European Publishers and a number of other organisations, including some of the sponsors of the annual lecture, the perception of the role of intellectual property was very different.

I am intending to remind the audience that we need to convince politicians and the general public that copyright is essential to promote content creation and to enable access to that content. Without copyright, many valuable books would not be written, publishers would no longer invest, and the public at large would be deprived of high value cultural content.

Consequently, it would be facing a tsunami of self-produced content, some of which might be of excellent quality, but how are we going to find out? Copyright enables investment in creation and dissemination and this needs to be reinforced.

The most visible and most discussed issue surrounding copyright is of course how intellectual property rights should be respected on the internet; if you are to

commercially distribute books over the net, you cannot compete with “free”, it is simply a matter of fact. Hence, we are discussing with legislators how to create a fair market place for books on the internet.

There are a lot of misinterpretations (voluntarily or not) of the objectives of the publishers. Oddly, those who say they fight for freedom of expression, a fight that publishers have sometimes paid dearly for, in fact protect some companies that are making enormous amounts of money without investing in the creative process. Hopefully, with the forthcoming revision of the EU’s Enforcement Directive—which was first adopted in 2004—we will have better instruments to support our efforts.

The internet is ubiquitous and therefore, the other main issue discussed in Europe is the digitisation of the collections of

cultural institutions. As far as books are concerned we, and authors and our collecting societies, have not only agreed with libraries on a Memorandum of Understanding on the

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digitisation and availability of out of commerce works but we have also developed the ARROW (Accessible Registries of Rights Information and Orphan Works towards Europeana), a system to query databases containing bibliographical information including books in print. This

will facilitate the identification of the rights holders of books and eventually their digitisation and availability on the internet. Together with our partners, we can deliver solutions which don’t hinder the commercialisation of our offer. We, of course, also follow attentively the discussions on the future Directive on orphan works, which forms part of these solutions.

There is a big difference between free content—content which has been made available for free, sometime supported by advertising, by its creator—and content—books, for example, offered for “free” on websites which did not bother (often intentionally) to ask and remunerate the rights holders. We need to explain again and again (and better I suppose) that creating content and publishing it, requires an investment, both creatively and financially. We need to increase the visibility of the legal offer while finding ways to remove illegal content. FEP members are developing solutions to remove illegally posted content alongside promoting online retailers that legally sell books. Of course, this process must be supported with lower, or even better zero, rates of VAT for all types of books, including e-books, for Member States.”

Anne Bergman-Tahon is the director of the Federation of European Publishers (Charles Clarke Lecture: Copyright at the Crossroads, Tuesday 17th April, 16:00, Conference Centre)

BERGMAN-TAHON ON THE GOOGLE BOOK SETTLEMENT

It is difficult to know exactly how things stand, so it is difficult to comment. The FEP has been working with other stakeholders, authors, publishers associations (including the UK Publishers Association), reproduction rights organisations and libraries to find balanced solutions to the issue of out-of-commerce works and the availability of those works by cultural institutions. The basic principle is that if rights holders don’t intend to make a work commercially available again, and if they have no restriction to permit access to these works, then we recommend that voluntary licensing solutions be put in place. The voluntary character of the agreement is of course essential.