



## **EWC Statement on the Role of Publishers in the Copyright Value Chain**

Brussels, 15/06/2016

While the European Writers' Council / EWC acknowledges the publisher's role in making available authors' and literary translators' books to readers, the EWC opposes any new legal instrument granting neighbouring rights to publishers. A publisher's neighbouring right would diminish the author's exclusive right by transferring secondary usage rights to the publisher. This would worsen the authors' already weaker bargaining position. A balance is needed: authors' and literary translators' earnings must improve.

Authors are exclusive rightsholders under Directive 2001/29/EC (InfoSoc Directive). The EWC agrees with the European Court of Justice's judgment in the case *HP Belgium SPRL v. Reprobel SCRL* that compensation payments under the InfoSoc Directive apply to authors and that it is therefore inappropriate for a Member State to maintain rules allocating a fixed share of this compensation to publishers. The EWC recognises that publishers may currently use compensation payments from reprographic copying schemes to invest in new works to the benefit of authors, literary translators, readers and the education sector. The EWC supports publishers receiving these payments based on national agreements made by the authors' and publishers' bodies represented within the Reproduction Rights Organisation (RRO) collecting and distributing the compensation payments.

It is the EWC's standpoint that remuneration from reprographic schemes allocated to both authors and publishers should be divided in favour of the author. In the context of the copyright value chain, payments from sales are heavily skewed in favour of publishers over authors, reflecting the initial cost to the publisher of bringing the work to the market. By contrast, reprographic schemes involve a user who has already acquired a finished work, making copies of it. In the interests of fairness and balance, the allocation of secondary use payments should, therefore, reflect the value inherent in the content created by the author, rather than the publisher's original 'organisational or financial' effort.

An author's right to receive compensation for secondary uses should be unwaivable and non-transferable, other than for the purposes of collective administration.

**European Writers' Council**  
**Fédération des associations européennes d'écrivains - AISBL**  
Rue d'Arlon 75-77  
1040 Brussels - Belgium  
[EWC-Secretariat@inter.nl.net](mailto:EWC-Secretariat@inter.nl.net)