

Letter in Support of the Romanian Presidency Compromise

Brussels, 7 February 2019

CIAGP, EVA and OLA, European and Worldwide umbrella organisations for visual artists hereby urge the parties of the Trilogue to approve the Directive on copyright in the Digital Single Market in its current version because finally all authors need a regulation of the digital economy which provides means to ensure fair and proportionate remuneration for the use of their works. We fully support the compromise tabled by the Romanian Presidency of the Council on February 4th because it decidedly improves the situation of visual authors and is an acceptable output of the two years legislative process. Article 13 in its current wording provides a clear responsibility of platforms for the content uploaded by their users.

Although we do not endorse exceptions for start-ups, we appreciate that a solution is suggested which has a clear time limit and urge the parties to agree to this compromise.

We also accept the solution suggested for user uploaded content.

However, we would have preferred that the problem of framing technology – resulting from the jurisprudence of the Court of Justice to the European Union in the Bestwater case (348/13) - were addressed.

Art 13 b as a provision specifically aiming at the protection of visual authors is of particular importance in an increasingly visual online environment where global corporations rely on the power of communicating their messages and advertising through visual content.

Finally, the artists need sound rules on copyright contracts. Art -14 is supposed to introduce a right for fair and proportionate remuneration. The concept of *proportionate* remuneration secures participation of artists in the proceeds of the entire chain of exploitation and will be a milestone in levelling the playing field for authors and their contractual partners.

This new draft provides for an unique opportunity to create a new copyright regime that benefits all without placing undue restriction on users and authors alike.

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About CIAGP:

The International Council of Creators of Graphic, Plastic and Photographic Arts (CIAGP) brings together over 60 authors' collective management societies with close to 200.000 affiliates in the field of visual and plastic arts from around the world. The organisation serves as a forum for the exchange of information, ideas, best practices, experiences and practical advice on the administration of visual authors' rights. It includes tools and activities aimed at promoting the moral, professional, economic and legal interests of visual authors.

About EVA:

European Visual Artists represents the interests of authors' collective management societies for the visual arts. 27 European societies are gathered under this roof. They manage collectively authors' rights for over 100.000 artists creating works of fine art, photography, illustration, design architecture and other visual works.

About OLA:

OnlineArt is a one-stop-shop which offers worldwide licences on works of fine art for 60.000 visual artists worldwide. OLA gathers 17 collective management societies worldwide.