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public consultation on the reflection document

Creative Content in a European Digital Single Market: *Challenges for the Future*

The European Council of Artists (ECA) wishes to participate in the public consultation on the reflection document "*Creative Content in a European Digital Single Market: Challenges for the Future*", as follows:

- The document gives a reasonable though incomplete description of the present challenges and the different and often conflicting interests of the stakeholders involved.
- The development towards digitisation of artistic works and the subsequent online distribution calls for action in order to secure extended access for consumers to artistic content with fair remuneration to the right-holders.
- The need to create legal and attractive alternatives to the widespread piracy is obvious, while at the same time efforts to inform and educate about intellectual property rights (IPR) must be intensified and the execution of existing anti-piracy laws must be maintained.
- When discussing further European harmonisation of the national IPR legislation, which of course would facilitate licensing, the distinction between the two different systems for organising IPR is missing from the document:
 - ...the European Authors' Rights System (which is often wrongly translated as copyright), where the authors and performers keep their rights, can decide on the use of their works and get the financial remuneration.
 - ...the Anglo-American Copyright System, in which rights can be traded and the commercial financiers (producers) normally buy the rights from authors and performers.
- The Authors Rights system involves more rightholders and may be slower to deal with when developing businesses in the short-term. However the authors – the content providers – are better supported through this system and in the long-term continued production of new content is ensured.

- The European Authors' Rights System is under pressure from the multinational audiovisual industries amongst others and unfortunately we have seen that the European Commission, through its practice, has attended to the interests of these industries at the expense of European creators – for example by limiting the possibilities for the artists' Collective Rights Managements Organisations (CMOs) to co-operate on international level.
- ECA calls for a new direction of the activities by the European Union in the coming period and recommends the European Commission to regard the CMOs as partners with whom they should initiate co-operation towards equitable solutions.
- The opportunity of making works expressing cultural diversity and cultural heritages available for wider audiences is another aspect of the growing digitisation. This is a positive development as long as the creators and their works are properly protected and remunerated. In this respect, ECA must underline the importance of smaller national, regional or even local CMO entities with knowledge on and access to the cultural and creative communities.
- Public service and public interests must be considered and ECA calls for action in accordance with the provisions of the UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions.

Michael Burke
president

05 | 01 | 2010