

**Standing Committee on Copyright and Related Rights: Thirty-sixth Session**  
**28<sup>th</sup> May – 1<sup>st</sup> June 2018 (Geneva, Switzerland)**

The International Authors Forum represents authors from the text, screenwriting and visual arts sectors and their interests in copyright. Its members are 66 organisations representing well over 700,000 authors worldwide.

1. Article 27 of the Universal Declaration of Human Rights ensures everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits, and that everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which they are the author.
2. Ultimately, it is authors' work that is being considered in the matters discussed at the World Intellectual Property Organisation. There are individual authors whose rights are involved, in all countries. Those rights must be given primary consideration to ensure the continued creation of culture we value today.
3. To ensure that authors can continue to create the work that people will access, we must ensure the author is rewarded fairly and with respect to their profession so that they can continue to create. If authors are not rewarded in the value chain of creation, the diversity, quality and quantity of works created will suffer.
4. Authors want the widest possible lawful access to their works. Authors welcome libraries, archives and educational institutions as vital points of access to authors' works, but there must be a balance of access and reward to ensure that authors can continue to create the works that are to be enjoyed. Research by the Authors' Licensing and Collecting Society in the UK has identified that authors, particularly of educational works, would potentially stop creating these works due to declining remuneration if a licensing scheme were not in place to fairly reward them for their efforts. Recent cases in Canada have shown the unregulated expansion of the educational exception in their Copyright Modernization Act (2012) has led to significant losses of income for Canadian authors: a likely unintended consequence but an unjust detrimental effect on authors nonetheless, considering it is their work that is being used for no reward.
5. It is important to preserve the diversity of culture around the world and the opportunity for authors to contribute to their voice. This is one of the reasons that the IAF strongly supports remuneration measures such as Public Lending Right and Artist's Resale Right, as rewarding the author will help to maintain indigenous arts, literature, language and culture.
6. In many countries, there are already copyright provisions in place that establish licensing frameworks which enable access through libraries, archives and educational institutions while ensuring fair payment to authors and respect of their rights regarding their works. In *An economic analysis of education exceptions* (2012, PriceWaterhouseCooper) in the UK it was found that almost 25% of authors derived more than 60% of their income from secondary licensing income, while a 10% decline in authors income would lead to a 20% drop in output. There is a clear case for Collective management organisations and fair licensing regimes as a means to efficiently ensure the balance of access to works and reward to authors.
7. Public Lending Right is a positive mechanism that provides financial recognition for authors for the loans of their books from libraries and the Artist's Resale Right is another that compensates artists when their work is resold. Public lending right is greatly valuable to authors both as a connection to ongoing readers and as the seed of the authors next creation; it can also be a valuable way for governments to protect authors writing in local languages. Artist's Resale Right,

**May 2018**

through its global application not only helps authors receive fair payment for work that will be sold before it's value is known to them, but can also be a means of fairness to artists whose work is resold into an international market for sums disproportionate to what is available in their community.

8. Authors believe that these existing provisions contain sufficient flexibility for countries represented at WIPO to continue to work towards national solutions, such as licensing frameworks, which can be developed according to local needs.
9. Authors recognise that each country must aim to respond to its local needs. However, in no country are authors able to work and create effectively when they are entirely either denied remuneration or inadequately paid.
10. While each country represented at WIPO contains libraries, archives and educational institutions seeking to secure access to works, it must not be forgotten that there are authors in each of the WIPO Member State whose rights and property are affected.