
Creators' rights are citizens' rights

The International Federation of Journalists represents over 600,000 journalists – including writers and photographers – in more than 120 countries. I am one of those journalists. We are of course concerned with issues of freedom of expression as much as with the financial viability of independent journalism.

This Committee has been discussing exceptions and limitations to authors' rights for many years now, and just in that time the world has changed. One way in which it has changed is this:

It must now be obvious that practically *every* citizen is a creator of words, pictures, music or drama. Every citizen has rights in these creations – and in the digital age it is increasingly important that all citizens can make use of these rights.

And today, with current technology, everyone can be a *published* creator online – whether of words, images, compositions or performances.

This offers enormous potential for diversity of news reporting and debate and cultural production. Because digital works can so easily be copied and altered, it also presents enormous risks of abuse.

What the world needs in the digital age are proper creators' rights: rights of the individual, human author and performer. The countries in the *droit d'auteur* mainstream should take pride that they have the proper legal system for the digital era, and strengthen and develop it.

These personal rights do matter to individual citizens, though often they do not realise this until something goes wrong.

To illustrate: not long ago an IFJ delegate was contacted by an angry young man, with an angry blog. Copyright stopped him copying what he wanted onto his iPod. He resented this, and he read others who resented it, and he read that copyright was a monopoly and it was evil, and he wrote. So eloquent was the angry young man that a newspaper visited his blog and copied his words and pasted them into the paper and sold the paper, for money. And, crucially, it was a paper he did not want to be associated with.

That was when he contacted me to ask how he could enforce his copyright.

Like every citizen, though, he needs to be able to draw on the work of dedicated, professional creators; and this is particularly true of journalism. It is not in his interest, nor any other citizen's, to dilute either his own rights as an author or those of the professionals that sustain and supply him.

From this perspective it is clear that the solutions to the questions of archiving and online libraries, of access for people with disabilities and for educational purposes, must be sought through licensing. (This is quite aside from the other arguments for licensing that others have expounded.)

Innovative and clarified licensing, yes: but not exceptions. The IFJ notes with great interest the European Union's careful and precise drafting of a proposal for a WIPO Recommendation, which would encourage voluntary solutions, which would in fact offer by far the speediest path to people with visual disabilities getting the access they so urgently need.

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Further remarks: the importance of professionals...

The other side of an author or performer's right to be identified is that they take responsibility for their work. In the case of journalism this is essential to the functioning of democracy; in that of song or dance or film or theatre to the market.

And it is vital to the health of our societies, our cultures and democracies that they include creators who are professionals – who can make a living from their creations themselves, not from a day-job or sponsorship or patronage.

Some over-excited internet enthusiasts appear to believe that there is no need for professionals any more – that in the future every form of reporting creativity will be catered for by people working in their spare time. Look how wonderful www.wikipedia.org is, they say... until they find the next bit of vandalism or of lobbying disguised as neutral information...

Most kinds of journalism definitely do not work as spare-time activities.

If there is to be democracy, it depends on citizens having access to independent reporting of the news that shapes our views and our votes. A crucial part of that independent reporting – and a partial corrective to media owners' tendency to behave like aristocratic patrons – is the flourishing of freelance journalists, who make a living by licensing use of their work – and have control over the contexts in which it may be re-used.

Some “blogs” that writers make available for free are interesting and useful. But it is very, very rare that these “break” a news story: almost always their value is in adding to what has been reported by professional journalists. And far too many are simply vehicles for prejudice, preconception and special interests. These do not serve the need of the electorate to be informed.

Under the copyright system, a publisher or broadcaster may change any creator's work without comeback and may, for example, sell it on for use in advertising, destroying the creator's reputation for independence.

Is it coincidence that the countries with the lowest reported levels of public trust in news reporting include those in which reporters have no moral rights? Research would be most interesting.

...and gift-givers need rights too

The IFJ recognises that there are people who want to create works or performances purely for the pleasure of creation itself, or for the rewards of gift-giving, or because for academics giving your away reaps financial reward through better jobs and salaries. Many journalists do this alongside their paid work.

Very few, though, want to give up all links with the fate of their work. But the pitfalls of giving up those links are often not clear until you have fallen in.

Giving work away depends on enforceable rights as much as does selling permission to use it.

Even a creator who does want to give their work away to the whole world, without restriction, for free – even one who really does understand what this means – needs strong rights to ensure that the work stays “given away” and is not locked up for profit. For example, the Free Software movement promotes voluntary computer program development through its General Public License, founded on a licence requirement that anyone who wants to use the work must distribute it under the GPL.

Whatever some ill-informed enthusiasts may think, such initiatives as Free Software are not against Authors' Rights: they are a cunning *use* of Authors' Rights.