

The need for authors' rights

The International Federation of Journalists congratulates the chair on his re-election and thanks the secretariat for their dedicated work.



The International Federation of Journalists represents 600,000 journalists in 134 countries, North and South. It has a keen interest in promoting conditions in which independent authorship can thrive. I am an author – a freelance journalist. I write and edit reports on science and technology. My ability to make a living as an independent professional author depends on the strength of authors' rights laws, the future of which we are here to discuss.

My field of work constantly reminds me of the frustrations that libraries and archives face. The IFJ is committed to excellent education and libraries being available worldwide. Journalists, after all, depend on having educated readers and viewers. We strongly support our work being archived, while being wary of legal accidents that turn “archiving” into parallel publication.

The IFJ also believes that the worthy goal of building excellent education worldwide, and the libraries that support it, must be met by adequate funding for *all* their supplies: for buildings, salaries, sanitation... and words, sounds and images.

I have an interest to declare. Separately from my work for the IFJ, I am an unpaid director of the Copyright Hub – an enterprise based in the UK which seeks to devise ways to make it much easier to obtain licences for small uses of creative works. The Hub hopes the technology it is developing may eventually reduce the need for limitations on authors' rights. This is one example of authors, publishers and users working together constructively.

In the interim, wherever there are exceptions they must be with fair remuneration – and with capacity-building to ensure that remuneration is fairly distributed to authors and performers.

Sometimes my dealings with publishers make me appreciate quite how tempting are new exceptions allowing use of works for free. These must be especially tempting if your country is less wealthy and much of its education and research budget is going to very wealthy corporations. But they are not the answer. Unless authors – including authors in less-wealthy countries – can make an independent living, the world will be deprived of works reflecting cultural diversity.

In those countries that have infrastructure for collective management of payments to authors – whether for use of their work in education or when archive copies are made available – this makes all the difference. The IFJ is heartened by the distinguished delegate of Brazil referring to fair remuneration when authors' works are made available.

A colleague in the UK tells me that this year money from a collecting society, largely for use of his work in education, “made the difference between solvency and its opposite”.

But he and I are regularly presented with contracts that demand we sign over all rights in our work, including the right to any money from educational use. We are in much the same position that the *Fédération Internationale des Musiciens* described on Monday. In order to fulfil the part of WIPO's mission that is to “promote through international cooperation the *creation* of works of the human spirit,” we need to address the issue of such contracts. Given the imbalance of negotiating power, we need, eventually, international instruments to address this question. In the Anglo-Saxon world in particular, we are told that the “freedom of contract” is sacrosanct and prevents this. In practice, this fine-sounding slogan means the freedom of a more powerful party to impose terms.

The International Federation of Journalists again invites delegations to contact us about possible initiatives here at WIPO on this vital matter of unfair contracts that defeat authors' rights.