

# International Federation of Journalists to WIPO Standing Committee on Copyright etc:



## ***Fair trade for creators must be transparent***

*The International Federation of Journalists congratulates the Chair and the Secretariat team for their excellent hard work on this session and welcomes progress toward an instrument ensuring fair access to creators' works by people with print disabilities worldwide.*

The International Federation of Journalists represents more than 600,000 journalists in 134 countries. It defends press freedom and social justice through strong, free and independent trade unions of journalists. I am one of those journalists.

We recall WIPO's mission to administer a body of law that "rewards creativity, stimulates innovation and contributes to economic development while safeguarding the public interest". That economic development depends on ensuring that fair reward, not just for the intermediaries who distribute authors' and performers' work – but the actual humans who do the creative work.

Further, and centrally to WIPO's mission: there is some empirical survey evidence that public perception of the legitimacy of authors' rights legislation is dependent on members of the public feeling confident that a fair share of what they pay to use creative works goes to the authors and performers – the individual, human creators.

And, in order to "safeguard the public interest", national and international legislation must recognise the huge number of individual citizens who are now published creators, thanks to social media. In this connection the countries with *droit d'auteur* legislation can and should take pride that theirs is the appropriate model to be developed for the online age.

But, even in *droit d'auteur* jurisdictions, individual creators face pressure to sign unfair contracts. In particular, these contracts hand over to the intermediaries that distribute their works all rights to payment for secondary uses. In the copyright countries, they frequently allow the publishers and broadcasters to claim "assignment" – all rights of authorship.

These unfair contracts are incompatible with the maintenance and development of the vibrant and independent base of independent, professional creativity on which the "information economy" is founded. In the case of journalism, there are further critical reasons for defending the independent reporting that is essential to holding states and corporations to account – which depends on independent reporters' survival.

The International Federation of Journalists believes that in the case of limitations to authors' rights, and of solutions such as extended collective licensing, given the imbalance of negotiating power between the individual creators we represent and their intermediaries, the protection of an *inalienable* right to equitable remuneration is merited. A similar right should be developed for primary uses, as the legislature of Germany did in 2002 and that of the Netherlands has debated this year.

This raises challenging legal issues in some jurisdictions, though they are not insuperable anywhere. In the near future, the IFJ believes it is worth exploring ideas such a "Fair Trade" indication, displayed where creators' work is distributed in accordance with a code of good practice. We invite member states to work together on proposals such as this.

Immediately, the IFJ welcomes the contributions which have sought to ensure that a future instrument protecting the legitimate rights of broadcasters does not dilute the focus of the Berne and subsequent Conventions on the rights of the individual creator – a focus needed now more than ever.

And, again, we welcome the progress made toward ensuring that people with print disabilities can access creative works while respecting the needs of creators, whether sighted or blind.

**Geneva, 21/11/2012**